

URBAN/MUNICIPAL

CA40N HBL A05

CSIP4

1994-

AGENDA OF THE PLANNING
AND DEVELOPMENT COMMITTEE

JANUARY 19, 1994 - 23 MARCH

URBAN/MUNICIPAL

CA4 ON HBL AOS
CS1P4
1994



Judith MacAnanama
Chief Librarian

Judith MacAnanama

1994 January 13

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 January 19
9:30 o'clock a.m.
Room 233, City Hall

URBAN M.
JAN 1994
GOVERNMENT DOCUMENTS

T. Agnello

Tina Agnello, Secretary
Planning and Development Committee

A G E N D A:

9:30 O'CLOCK A.M.

PUBLIC MEETINGS

1. City Initiative 93-D, for a change in zoning from "M-14" District to "M-13" District, modified for Block "1", and for a modification to the established "M-13" District regulations for Block "2", for lands located at Nos. 175 to 225 Dartnall Road; Hannon South Neighbourhood.
2. Zoning Application 93-35, and Draft Plan of Subdivision 25T-93010, Sandrina Gardens (Phase 2), DiCenzo Construction Company Limited (A. DiCenzo, President), owner, for changes in zoning from "R-4" District to "RT-30" District, modified for Blocks "1" and "4", from "RT-20" District, modified to "R-4" District for Block "2" and from "RT-20" District, modified to "RT-30" District, modified for Block "3", for lands located on the west side of Upper Gage Avenue and north of Terni Boulevard; Broughton West Neighbourhood.

3. Zoning Application 93-08, Rosewind Realty Ltd. (In Trust), owner, for a change in zoning from "H" District to "CR-3" District, modified, for lands located at Nos. 214 to 244 King William Street; Beasley Neighbourhood.

9:45 A.M.

4. Zoning Application 93-37, 645437 Ontario Limited (A. Barzilay), owner, for a further modification to the "HH" District regulations, for lands located at Nos. 986 to 998 Upper Wentworth Street; Bruleville Neighbourhood

5. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

Site Plan Control Application DA-93-32 for a building addition and parking area at the rear of the existing bowling centre at 121 Highway No. 8, on Queenston Road, west of Grays Road.

6. **BUILDING COMMISSIONER AND DIRECTOR OF PUBLIC WORKS**

Barton Street Revitalization.

7. **CONSENT AGENDA**

8. **OTHER BUSINESS**

9. **ADJOURNMENT**

JAN 12 1994 **1**

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 January 6
CI-93-D
Hannon South Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: City Initiative 93-D - Nos. 175 to 225 Dartnall Road

RECOMMENDATION:

That approval be given to amended City Initiative 93-D, for a change in zoning from "M-14" (Prestige Industrial) District to "M-13" (Prestige Industrial) District, modified for Block "1" and for a modification to the "M-13" (Prestige Industrial) District regulations for Block "2", to establish uniform zoning and to allow use of the subject properties for "M-13" (Prestige Industrial) District uses, including a public hall as an accessory use to permitted Public Uses, for lands located at Nos. 175 to 225 Dartnall Road, as shown on the attached map marked as Appendix "A", on the following basis:

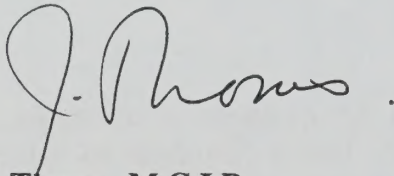
- i) That Block "1" be rezoned from "M-14" (Prestige Industrial) District to "M-13" (Prestige Industrial) District;
- ii) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variance as a special requirement:
 - (a) Notwithstanding Section 17E(1) a public hall shall be permitted as an accessory use to any permitted Public Use.
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-69E be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-69E for presentation to City Council; and

- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

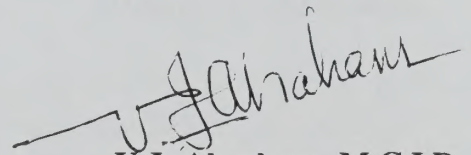
EXPLANATORY NOTE:

The purpose of this By-law is to provide for a change in zoning from "M-14" (Prestige Industrial) District to "M-13" (Prestige Industrial) District, modified for Block "1", and for a modification to the established "M-13" (Prestige Industrial) District regulations for Block "2", for lands located at Nos. 175 to 225 Dartnall Road, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to establish uniform "M-13" (Prestige Industrial) District zoning and to allow use of the subject properties for "M-13" (Prestige Industrial) District uses. In addition, the By-law provides for a variance as a special requirement to permit a public hall as an accessory use to any permitted Public Use (ie. recreational clubs).



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The subject lands consist of lots 2 to 7, registered plan 62M-658, Hamilton Industrial Park No. 2 - Phase One (Nos. 175 - 225 Dartnall Road) and are currently owned by the Region. The subject lands are zoned "M-14" at the front and "M-13" at the rear. At the request of the Regional Economic Development Department, the Real Estate Division of the Property Department is requesting that the City initiate a change in zoning to establish uniform "M-13" zoning for the subject lands (see Appendix "A"). In addition, a public hall is being requested as an ancillary use to permitted public uses.

It is intended that the lands be sold (or leased) and developed for "M-13" type uses. Potential purchasers of the subject lots have indicated an interest in establishing recreational/social clubs. Specifically, the Hamilton Firefighters' Drum Corps is proposing to construct a new facility at No. 175 Dartnall Road (lot 2), to be used as a practice hall and social club for its members. In addition, they would like the option to use the proposed club as a public hall for special occasions.

LOT SIZE AND AREA:

An irregular shaped parcel of land having approximately 240.9 m (790.41 ft.) of lot frontage on Dartnall Road, and a lot area of approximately 2.6 ha (6.42 ac.).

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|--|--|
| <u>Subject lands</u> | vacant | "M-14" (Prestige Industrial) District and "M-13" (Prestige Industrial) District |
| <u>Surrounding Lands</u> | | |
| to the north | recreational vehicle display and sales | "M-11" (Prestige Industrial) District, modified |
| to the south | S.P.C.A. animal shelter | "M-13" (Prestige Industrial) District, modified |
| to the east | vacant | "A" (Conservation, Open Space, Park and Recreation) District |
| to the west | farm dwelling and Industrial uses | "M-14" (Prestige Industrial) District |

OFFICIAL PLAN:

The subject lands are designated "INDUSTRIAL" on Schedule "A" Land Use Concept Plan, and are also located within "Special Policy Area 11a" on Schedule "B-3" of the Official Plan. The following policies, among others, would apply:

- "A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

- i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;
- ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;
- iii) Uses which have characteristics or functional requirements similar to Industries;
- iv) Residences for maintenance staff of a principal use;
- v) Research and development facilities;
- vi) Public and private transportation terminals, highway and road related services (e.g., automobile service stations); and,
- vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area.

A.2.9.3.9 In keeping with the provisions of Subsection A.2.3, for those lands shown on Schedule "B" and "B-3" as SPECIAL POLICY AREA 11 and SPECIAL POLICY AREA 11a, light industrial uses will be permitted. Accordingly, all appropriate policy provisions in this Plan dealing with the light industrial land use category will apply. Notwithstanding the foregoing, for those lands which are:

- i) shown on Schedule "B" and Schedule "B-3" as SPECIAL POLICY AREA 11a, in addition to the light industrial uses, business and professional offices and home improvement uses will be permitted...

A.2.3.15 In addition to the ancillary uses that may be permitted in INDUSTRIAL areas as set out in Policy 2.3.1, clubs or establishments catering to leisure activities may be permitted in the LIGHT INDUSTRIAL category."

The proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "RESTRICTED INDUSTRIAL" on the East Mountain Industrial - Business Park Approved Plan. The proposal complies.

COMMENTS RECEIVED:

- The Roads Department has advised that:

 "There are public watermains and separate storm and sanitary sewers available to service these lands within an easement which will become the Dartnall Road road allowance.

 This application appears to designate a rezoning of the lands which were part of CI-89-B. We have no further comments with respect to this application."
- The following Departments and Agencies have no comments or objections:
 - Building Department;
 - Traffic Department;
 - Hamilton Region Conservation Authority; and
 - Real Estate Division, Property Department.
- To date, no comments have been received from TransCanada Pipelines, Union Gas, or the Ministry of Transportation. Any concerns these agencies may have can deal with during the Site Plan approval process.

COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal complies with the approved Mountain Industrial District Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - it complies with the Official Plan and the East Mountain Industrial -Business Park Approved Plan;
 - it is consistent with the "M-13" (Prestige Industrial) District zoning established on adjoining lands to the south; and,
 - it will establish uniform "M-13" (Prestige Industrial) District zoning for the remaining industrial lots fronting along the east side of Dartnall Road in the area south of Rymal Road East.

4. The "M-13" District permits public uses such as Sports and Recreational Clubs and Services, and Civic and Fraternal Organizations (eg. Canadian Legion, Ethnic Community Associations, etc.). Typically, these types of organizations make use of their buildings for public halls, in conjunction with the primary use as a private club (ie. as special occasion and meeting rooms). Public halls operated in this manner, as an accessory use, are generally permitted in commercial districts.

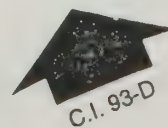
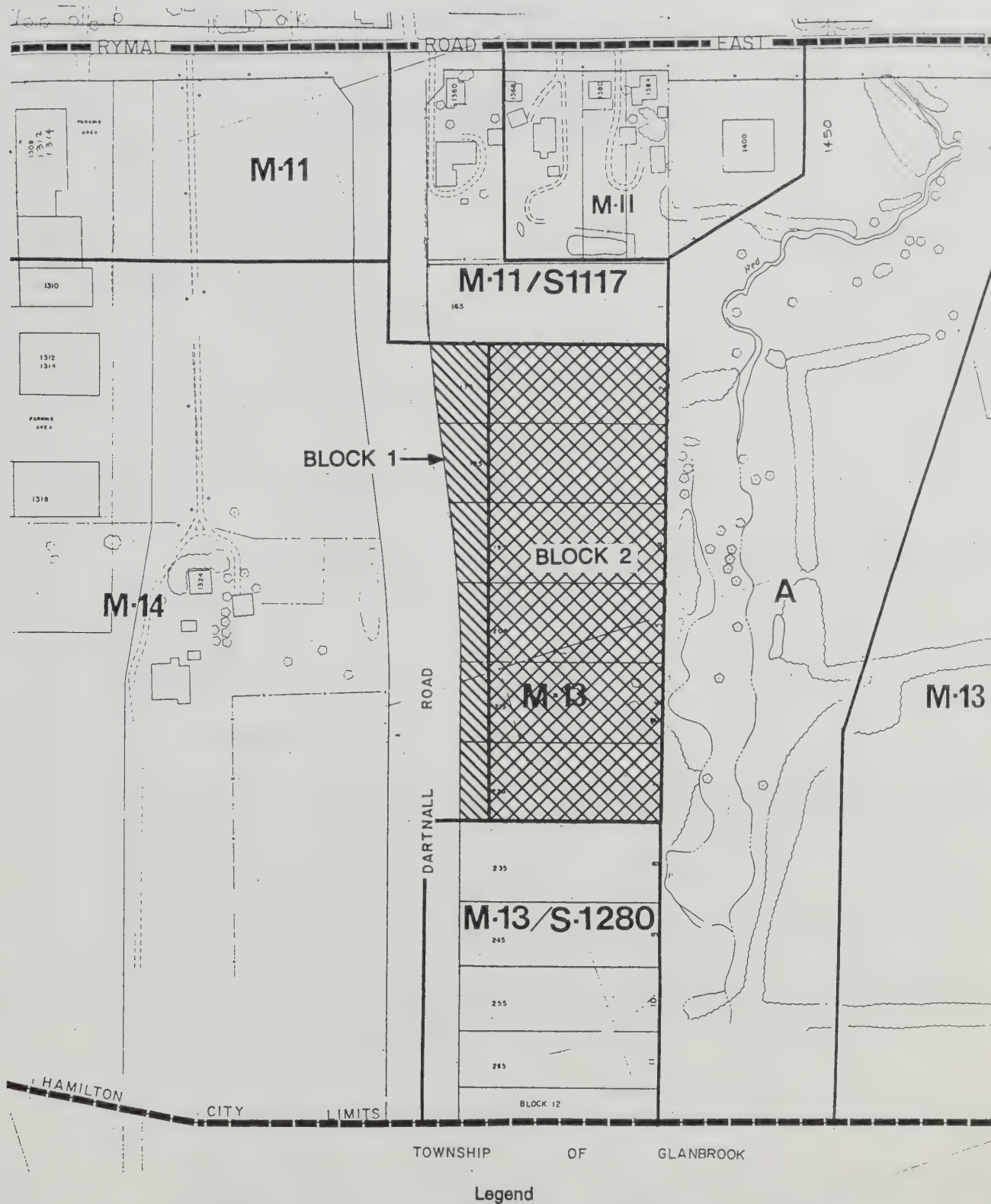
However, since the permitted uses in the "M" Districts (Sections 17C to 17G, Tables 1-5) were derived from the SIC (Standard Industrial Classification) manual, the uses are described in a much more detailed manner than in other sections of the By-law. As such, the Building Department has advised that, in order for a "public hall" to be allowed, it must be specifically listed as a use not prohibited by Table 2 - Public Uses. Consequently, in order for a permitted public use to obtain a licence to operate a "public hall", a variance must be provided to recognize this use, even if intended only as an accessory use. In this regard, the variance to permit a "public hall" is considered to be a technicality and can be supported. Furthermore, to ensure that "public halls" do not become independent uses, they should only be allowed as an accessory use to a permitted "Public Use".

5. The "M-13" (Prestige Industrial) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. In this regard, matters concerning landscaping, grading, fencing, location of parking and loading spaces, etc. would be reviewed at the Site Plan Control stage of development.

CONCLUSION:

On the basis of the foregoing, the City Initiative can be supported.

GAW/CL-M



JAN 12 1994

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 10 January 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: (1) Proposed Re-zoning Application
(Hamilton ZAC-93-35)

(2) Proposed Draft Plan of Subdivision, "Sandrina Gardens - Phase 2".
(Regional File 25T-93010)

RECOMMENDATION:

(1) Zoning Application

That approval be given to Zoning Application 93-35, DiCenzo Construction Company Limited, owner, requesting changes in zoning from: "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District, modified (Blocks "1" and "4"); "RT-20" (Townhouse -Maisonette) District, modified to "R-4" (Small Lot Single-Family Detached) District (Block "2"); and, "RT-20" (Townhouse - Maisonette) District, modified to "RT-30" (Street Townhouse) District, modified (Block "3"), to permit development of Blocks "1", "3" and "4" for street townhouses, for lands located west of Upper Gage Avenue and north of Terni Boulevard, shown as Blocks "1", "2", "3" and "4" on the attached map marked as APPENDIX "A", on the following basis:

- i) That Blocks "1" and "4" be rezoned from "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District;
- ii) That Block "2" be rezoned from "RT-20" (Townhouse - Maisonette) District, modified to "R-4" (Small Lot Single-Family Detached) District;
- iii) That Block "3" be rezoned from "RT-20" (Townhouse - Maisonette) District, modified to "RT-30" (Street Townhouse) District;

- iv) That the "RT-30" (Street Townhouse) District regulations as contained in Section 10F of Zoning By-law No. 6593, applicable to Blocks "1", "3" and "4" be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 10F(6)(i) and (ii), each single-family dwelling unit shall have a lot area not less than 168.0 m² and a width of not less than 5.62 m;
 - b) That not more than 58 single-family dwelling units shall be permitted; and
 - c) That Section 2.(2)A.(viid)(b) shall not apply to those street townhouses fronting onto Upper Gage Avenue;
- v) That the amending By-law be added to Section 19B of Zoning By-law No 6593 as Schedule S- , and that the subject lands on Zoning District Map E-38E be notated S- ;
- vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38E for presentation to City Council;
- vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- viii) That the Broughton West Neighbourhood Plan be amended to redesignate Block "1" from "Single & Double" to "Attached Housing", Block "2" from "Attached Housing" to "proposed road", part of Block "4" from "Single & Double" to "proposed road", and part of Block "4" from "Single & Double" to "Attached Housing".

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for changes in zoning for lands located on the west side of Upper Gage Avenue and north of Terni Boulevard, as shown on the attached map marked as APPENDIX "A", on the following basis:

- Blocks "1" and "4" - from "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District;
- Block "2" - from "RT-20" (Townhouse - Maisonette) District, modified to "R-4" (Small Lot Single-Family Detached) District; and,
- Block "3" - from "RT-20" (Townhouse - Maisonette) District, modified to "RT-30" (Street Townhouse) District.

The effect of the By-law is to permit development of Blocks "1", "3" and "4" for 58 street townhouse dwellings.

In addition, the By-law provides for the following variances as special requirements:

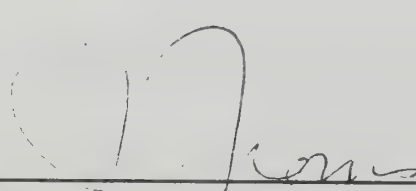
- to permit a minimum lot area of 168 m² and a minimum lot width of 5.62 m, whereas the By-law requires 180 m² and 6.0 m, respectively;
- to restrict the development to a total of 58 street townhouse dwelling units; and
- to permit the street townhouse dwellings fronting onto Upper Gage Avenue to have access by a shared driveway (ie. mutual right-of-way), to eliminate the need for individual accesses.

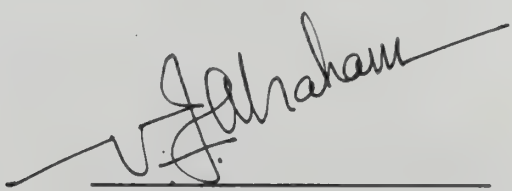
(2) Subdivision Application

- a) That approval be given to application 25T-93010, "Sandrina Gardens - Phase 2", DiCenzo Construction Company Limited (A. DiCenzo, President), owner, to establish a draft plan of subdivision, on lands located west of Upper Gage Avenue and north of Terni Boulevard in the Broughton West Neighbourhood, subject to the following conditions:
 - i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke, O.L.S., dated September 27, 1993, showing 58 lots for street townhouses, 14 lots for small lot single family dwellings, and 4 blocks for 0.3m wide reserves.
 - ii) That the owner be required to enter into subdivision agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands.
 - iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - iv) That the final plan conform with the Zoning By-law approved under the Planning Act.
 - v) That such easements as may be provided for utility or drainage purposes be granted to the appropriate authority.
 - vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the

subdivision in the final plan.

- vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - viii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.
 - ix) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-93010), DiCenzo Construction Company Limited (A. DiCenzo, President), owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (3) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

V.J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:Applicant:

Dicenzo Construction Company Limited (A. DiCenzo, President), owner.

Surveyor:

A.J. Clarke and Associates Limited, Hamilton.

Location:

The lands are located west of Upper Gage Avenue and north of Terni Boulevard, in the Broughton West Neighbourhood, City of Hamilton (see Appendix "A").

Lot Size and Area:

The subject property has:

- a frontage of 195 m (640 feet) on Upper Gage Avenue;
- a depth of 98.5 m (323 feet); and,
- a lot area of approximately 1.8 ha (4.4 acres).

Land Use and Zoning:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|----------------------------|--|
| <u>Subject Lands</u> | Vacant land | "RT-20" (Townhouse - Maisonette) District, modified and "R-4" (Small Lot Single Family Detached) District |
| <u>Surrounding Lands</u> | | |
| to the north | Townhouses | "RT-10" (Townhouse) District, modified |
| to the east | Townhouses and vacant land | "RT-10" (Townhouse) District, modified and "R-4" (Small Lot Single Family Detached) District |

| | | |
|--------------|-------------|--|
| to the south | Vacant land | "RT-20" (Townhouse - Maisonette) District, modified |
| to the west | Vacant land | "R-4" (Small Lot Single Family Detached) District |

Rezoning Proposal:

The applicant is proposing to rezone the subject lands from "RT-20" (Townhouse - Maisonette) District, modified and "R-4" (Small Lot Single Family Detached) District to "RT-30" (Street Townhouses) District, modified, and "R-4" (Small Lot Single Family Detached) District, to facilitate the completion of a draft plan of subdivision including development of the subject lands for 58 street townhouse dwellings (see attached APPENDIX "B").

By-law No. 89-242:

By-law No. 89-242, passed by City Council on August 29, 1989, rezoned the subject lands from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District modified, and "R-4" (Small Lot Single Family Detached) District. The By-law does not permit street townhouses.

Subdivision Proposal:

The owner is proposing to subdivide the lands into 58 street townhouses, 14 lots for small lot single family dwellings, and 4 blocks for 0.3m wide reserves (see attached APPENDIX "D").

Existing Development Controls:

Hamilton-Wentworth Official Plan The lands are within the "Urban Policy Areas" and identified as "Residential & Related Uses". The proposal complies.

City of Hamilton Official Plan The lands are designated "Residential". The proposal complies.

Neighbourhood Plan The lands are designated for "Single and Double" residential and "Attached Housing". The proposal does not comply and would require an amendment to the Broughton West Neighbourhood Plan including the relocation of a proposed north-south roadway.

Zoning The changes shown in Appendix "A" and outlined recommendation (1) above, are required to permit the proposed development.

Comments from Circulation:

1. Re-zoning Application:

- The Hamilton Region Conservation Authority has no objection.
- TransCanada Pipelines advises:

"TransCanada is regulated by the National Energy Board and any development within 200 metres of our pipeline may affect the safety and integrity of our pipeline facilities. This development will be within 200 metres of our pipeline. TransCanada has no objections to this rezoning, subject to the following conditions:

- 1) *Any grading which will effect the right-of-way or drainage onto to must first be approved by TransCanada.*
- 2) *Should any blasting be required at the site, a report on the methods and charges to be used must be prepared by a qualified blasting engineer and submitted for TransCanada's approval prior to the commencement of blasting operations on the site.*
- 3) *TransCanada's District Office in Hannon (phone 416-388-5171) must be given three business days advance notice before the commencement of construction on the site.*
- 4) *The owner must ensure that all contractor(s) and sub-contractors are fully aware of and observe the foregoing conditions."*

- The Traffic Department advises:

"In response to your letter of 1993 October 12, please by advised that we have reviewed the above application and find it satisfactory provided that no street townhouses be permitted to have direct access to Upper Gage Avenue. Access to these units must be via the 8 metre mutual right-of-way."

- The Building Department advises:

"1. By-law 89-242 does not permit "street townhouses".

2. Each dwelling unit of a street town house must have a lot area of not less than 180.0m² and a lot width of not less than 6.0m.

3. *The minimum yards and separation between buildings must conform to Section 10F(4) and (5) of By-Law 6593.*
4. *Each dwelling unit of a street townhouse must front on a public highway and shall not share any yards, driveways, common open space and parking areas.*
5. *Detailed concept drawings have not been submitted to determine compliance of all provisions of the Zoning By-Law."*

- *The Roads Department advises:*

"There are public watermains and separate storm and sanitary sewers available to service these lands.

Sections of Upper Gage Avenue and Terni Boulevard, adjacent to the subject lands were previously established by Plan 62M-733. The remaining section of Terni Boulevard and Street A, adjacent to lands to be rezoned, must be established to their full width through a satisfactory registered plan of subdivision.

Lots 1 to 24 will only have two accesses to Upper Gage Avenue through a common right-of-way. As a condition of development approval, we will require that this 8.0m right-of-way be registered on title to these lots.

Access to Lot 25 will only be permitted on the westerly 3.34 m of frontage on Terni Boulevard.

The applicant should be advised that the future reconstruction and widening of Upper Gage Avenue and Terni Boulevard may include the construction of raised concrete median islands which will likely restrict access to the subject lands at some future date.

Comments from the City of Hamilton Traffic Department with respect to access etc. should also be considered."

2. Subdivision Application:

The following agencies were circulated and have advised that they have either no comments or objections to the approval of the proposed plan of subdivision:

- Ontario Hydro, Union Gas and Bell Canada.

- Ministry of Transportation
- The Traffic Department submitted the following:

"The 8.0m right-of-way shown on the plan as "proposed" must be registered on title as part of this plan of subdivision.

Also, we suggest that approval of this application be tabled until the site plan for this proposal is approved. The lot lines may require some modifications."

- The Ministry of Environment and Energy does not object to the proposal. However, it has recommended "Notes to Draft Approval" which are attached as Appendix "E" for the applicant's information.

While the Hamilton-Wentworth Roads Department have not yet responded to the circulation of the subdivision proposal, it has advised through their response to the rezoning proposal that public watermains and separate storm and sanitary sewers available to service these lands. Any conditions of approval will be dealt with at the time of draft plan approval by the Region.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal would require amendments to the road pattern of the Broughton West Neighbourhood Plan and minor land use redesignations. The following amendments would be required: Block "1" from "Single & Double" to "Attached Housing"; Block "2" from "Attached Housing" to "proposed road"; part of Block "4" from "Single & Double" to "proposed road"; and, part of Block "4" from "Single & Double" to "Attached Housing".
3. The proposal has merit and can be supported for the following reasons:
 - it complies with the intent of the Official Plan;
 - it would be compatible with existing and proposed development in the area; and,
 - when the subject lands were rezoned to "RT-20" (Townhouse - Maisonette) District (By-law No. 89-242), street townhouses were prohibited due to concern expressed by the Traffic Department regarding individual accesses onto Upper Gage Avenue. However, this proposal provides for an 8 m mutual right-of-way for shared access from Upper Gage Avenue, thereby eliminating the need for individual accesses.

4. Variances Required

i) Lot Width and Area

A number of lots in the proposed draft plan of subdivision do not meet the minimum lot width (6 m) and the minimum lot area (180 m²) requirements for the "RT-30" District.

With respect to the lot area, it is noted that the average lot area proposed is 228.38 m², which is 8.38 m² above the minimum requirement. The smallest lot area proposed is 168.42, m² which is only 11.58 m² less than the minimum requirement. In addition, of the 58 proposed street townhouse lots, 41 of the lot areas exceed the 180 m² requirement, whereas only 17 of the lot areas are less than 180 m². Furthermore, the lot areas that are in excess of 180 m² range from 187.83 m² to 421.84 m².

With respect to lot width, it is noted that the average width of all 58 lots proposed for rezoning is 6.49 m, which is 0.49 m above the minimum requirement. The smallest lot width proposed is 5.62 m, which is only 0.38 m less than the minimum requirement. Although 39 of the 58 proposed lot widths are less than the 6.0 m requirement, the 19 that are in excess of 6.0 m range from 7.33 m to 15.0 m wide.

Based on the foregoing, the proposed variances do not conflict with the intent of the "RT-30" District regulations and can be supported. In addition, to ensure the proposed density is maintained, a variance should be included to restrict the development to a maximum of 58 townhouse dwelling units.

ii) Shared Driveways

The definition of Street Townhouse (section 2.(2)A.(viid)) establishes that street townhouses must front onto a public highway and shall not share any yards, driveways, common open space and parking and manoeuvring space. Since the proposed street townhouses fronting onto Upper Gage Avenue will share a mutual drive, a variance to paragraph (b) of section 2.(2)A.(viid) is required. The variance can be supported, on the basis that the mutual right-of-way will eliminate the need for individual accesses onto Upper Gage Avenue.

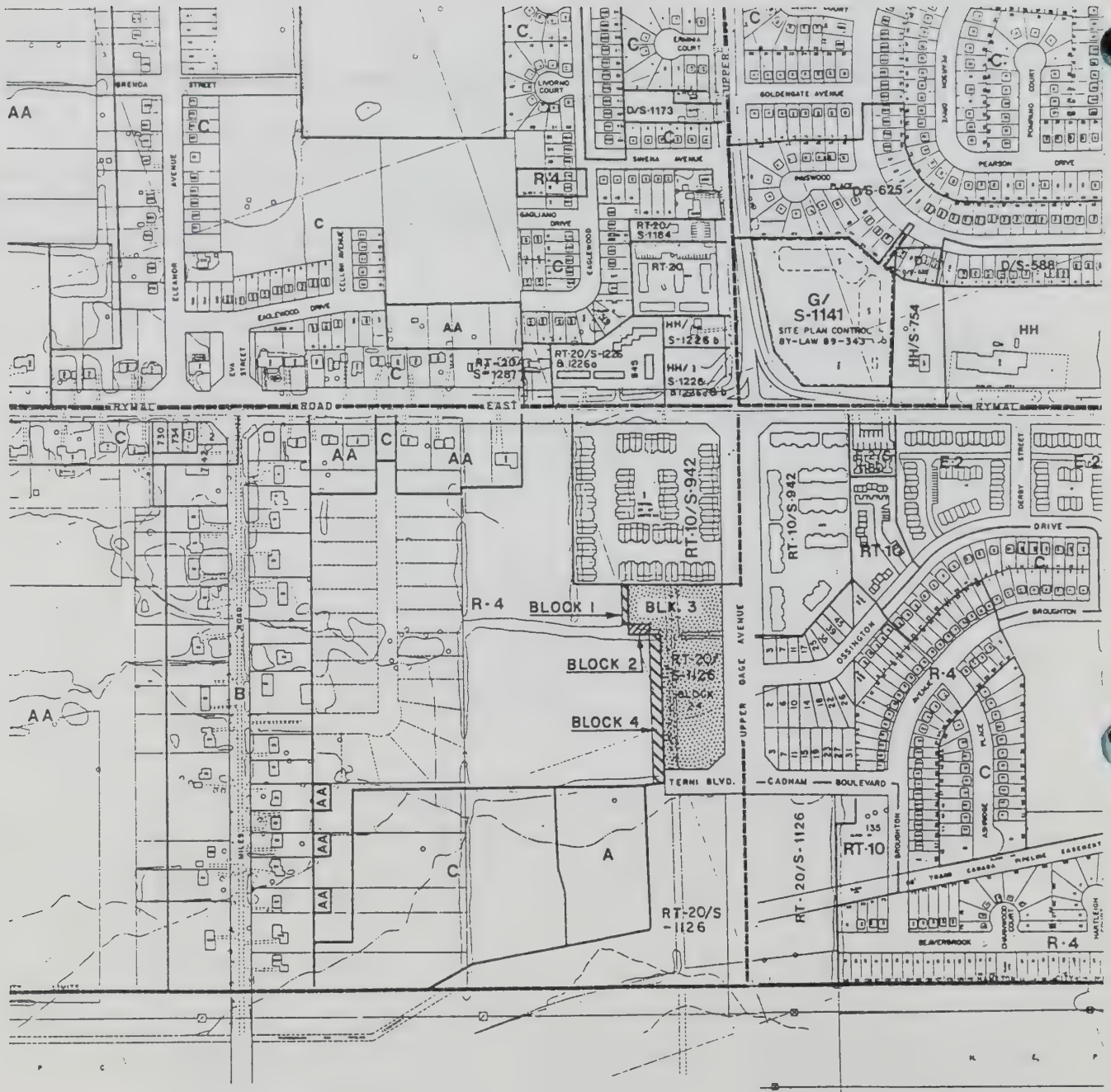
5. Given that the lands are located at the periphery of the neighbourhood and that an area to the south is designated for "Park & Recreational" purposes, it is suggested that the applicant be required to make a cash payment in lieu of the 5% parkland dedication pursuant to the Planning Act.

6. The comments from TransCanada Pipelines regarding drainage and blasting can be dealt with at the subdivision and Site Plan stage.
7. All standard conditions of draft plan approval have been incorporated into the "Recommendation" section of this report with the exception of those involving engineering requirements which will be dealt with at the time of draft plan approval by the Region.

CONCLUSION:




On the basis of the foregoing, the application can be supported.

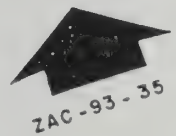
RL/CF/CL-M/Attach.
ZAC-93-35/T-93010.REP



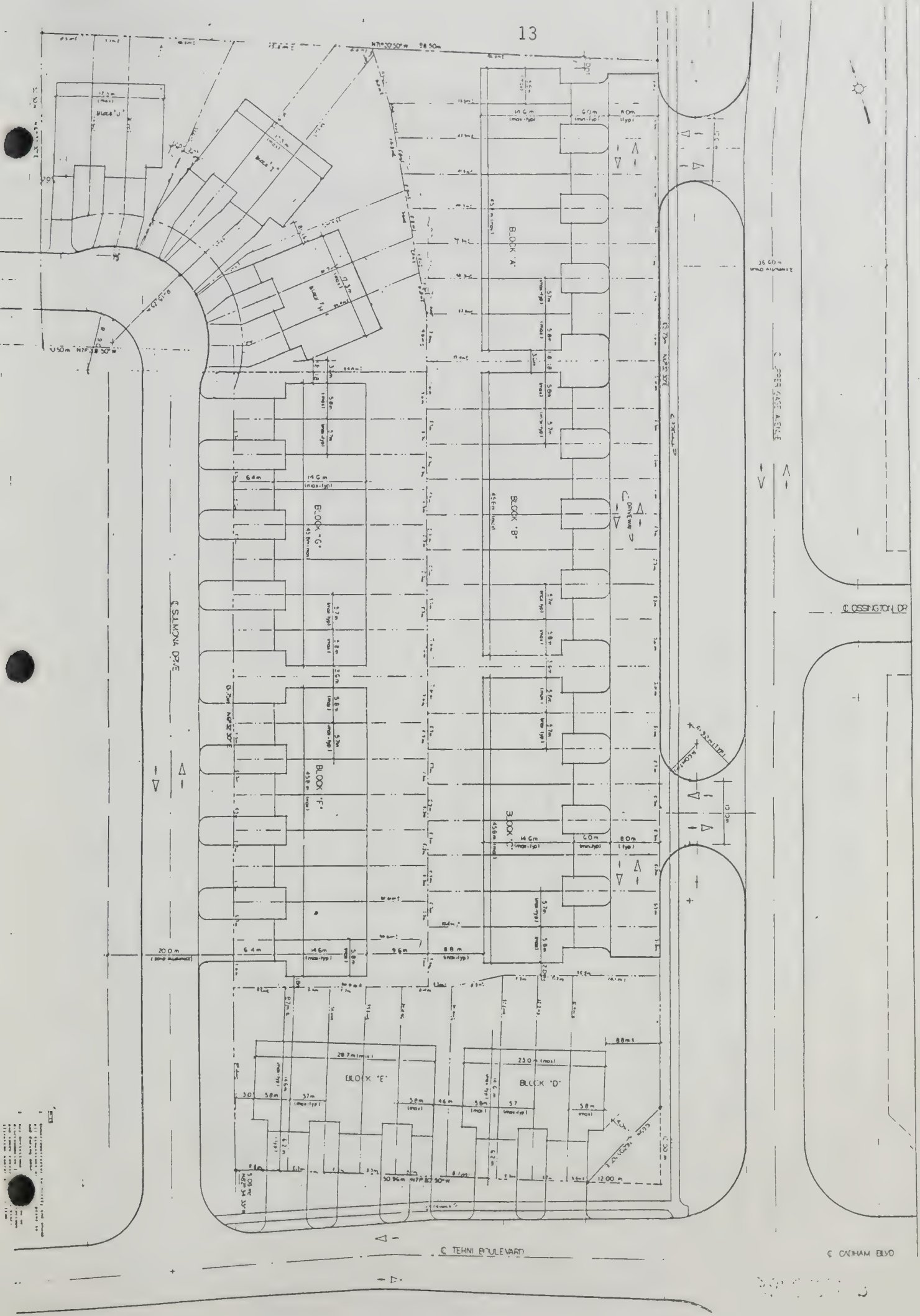
Legend

Proposed change in zoning from:

- | | | |
|----------------|---|---|
| BLOCKS 1 and 4 |  | "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District, modified. |
| BLOCK 2 |  | "RT-20" (Townhouse - Maisonette) District, modified to "R-4" (Small Lot Single-Family Detached) District. |
| BLOCK 3 |  | "RT-20" (Townhouse - Maisonette) District, modified to "RT-30" (Street Townhouse) District, modified. |



APPENDIX A



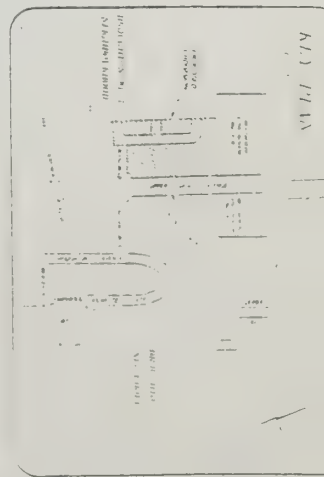
SANDRINA GARDENS - PHASE 2

DRAFT PLAN

| LOT | LOT WIDTH(m) | LOT AREA m ² | LOT, | LOT WIDTH(m) | LOT AREA m ² |
|--------|--------------|-------------------------|--------|--------------|-------------------------|
| LOT 1 | 7.33 | 349.28 | LOT 42 | 7.60 | 232.56 |
| LOT 2 | 5.70 | 243.21 | LOT 43 | 5.70 | 174.42 |
| LOT 3 | 5.70 | 237.60 | LOT 44 | 5.70 | 174.42 |
| LOT 4 | 5.70 | 232.17 | LOT 45 | 5.70 | 174.42 |
| LOT 5 | 5.70 | 226.75 | LOT 46 | 5.70 | 174.42 |
| LOT 6 | 5.70 | 221.32 | LOT 47 | 5.70 | 174.42 |
| LOT 7 | 5.70 | 215.89 | LOT 48 | 5.70 | 174.42 |
| LOT 8 | 7.60 | 284.24 | LOT 49 | 7.64 | 231.35 |
| LOT 9 | 7.60 | 284.24 | LOT 50 | 7.50 | 297.26 |
| LOT 10 | 5.70 | 213.18 | LOT 51 | 5.78 | 171.46 |
| LOT 11 | 5.70 | 213.18 | LOT 52 | 7.61 | 233.08 |
| LOT 12 | 5.70 | 213.18 | LOT 53 | 5.77 | 418.38 |
| LOT 13 | 5.70 | 213.18 | LOT 54 | 5.62 | 234.09 |
| LOT 14 | 5.70 | 213.18 | LOT 55 | 7.64 | 345.87 |
| LOT 15 | 5.70 | 213.18 | LOT 56 | 7.63 | 312.71 |
| LOT 16 | 7.60 | 284.24 | LOT 57 | 5.70 | 168.42 |
| LOT 17 | 7.60 | 284.24 | LOT 58 | 7.86 | 244.15 |
| LOT 18 | 5.70 | 213.18 | LOT 59 | 10.04 | 306.01 |
| LOT 19 | 5.70 | 213.18 | LOT 60 | 10.04 | 306.01 |
| LOT 20 | 5.70 | 213.18 | LOT 61 | 10.04 | 306.01 |
| LOT 21 | 5.70 | 213.18 | LOT 62 | 10.04 | 306.01 |
| LOT 22 | 5.70 | 213.18 | LOT 63 | 10.30 | 317.53 |
| LOT 23 | 5.70 | 213.18 | LOT 64 | 11.56 | 356.57 |
| LOT 24 | 7.80 | 307.32 | LOT 65 | 10.04 | 306.01 |
| LOT 25 | 15.00 | 421.84 | LOT 66 | 10.04 | 306.01 |
| LOT 26 | 5.70 | 189.03 | LOT 67 | 10.12 | 306.09 |
| LOT 27 | 5.70 | 187.83 | LOT 68 | 10.60 | 315.35 |
| LOT 28 | 8.10 | 256.95 | LOT 69 | 10.30 | 306.04 |
| LOT 29 | 8.10 | 246.41 | LOT 70 | 11.60 | 306.15 |
| LOT 30 | 5.70 | 171.95 | LOT 71 | 10.80 | 306.27 |
| LOT 31 | 5.70 | 170.75 | LOT 72 | 10.21 | 307.22 |
| LOT 32 | 5.70 | 169.55 | | | |
| LOT 33 | 8.37 | 254.93 | | | |
| LOT 34 | 7.60 | 232.56 | | | |
| LOT 35 | 5.70 | 174.42 | | | |
| LOT 36 | 5.70 | 174.42 | | | |
| LOT 37 | 5.70 | 174.42 | | | |
| LOT 38 | 5.70 | 174.42 | | | |
| LOT 39 | 5.70 | 174.42 | | | |
| LOT 40 | 5.70 | 174.42 | | | |
| LOT 41 | 7.60 | 232.56 | | | |

PRELIMINARY

APPENDIX C



A. J. CLARK: OLS 1991

André Gide

A. J. Math and Science 111.1



Ontario

Ministry
of the
Environment

and Energy

Ministère
de
l'Environnement

et de l'Énergie

16

West
Central
RegionRégion
du
Centre-Ouest

APPENDIX "E"

119 King St W
12th Floor - Box 2112
Hamilton Ontario
L8N 3Z9119, rue King ouest
12^e étage - Casier 2112
Hamilton (Ontario)
L8N 3Z9

New Area Code - 905 565-2176/565-217640

November 23, 1993

The Regional Municipality of Hamilton-Wentworth
Planning and Development Department
119 King Street West, 14th Floor
Hamilton, Ontario
L8N 3V9

Attention: Lou Lanza, Manager

Dear Mr. Lanza:

RE: Draft Plan of Subdivision 25T-93010
Part of Lot 11, Concession 1,
(geographic Township of Glanford)
City of Hamilton
(Sandrina Gardens - Phase 2)

| | | | |
|---|------|------|-------|
| REGIONAL PLANNING BRANCH | | | |
| SUBDIVISION CONDOMINIUM ADMINISTRATION SECTION | | | |
| FILE NO. 25T-93010 | | | |
| DATE RECEIVED NOV 25 1993 | | | |
| TO: | INT. | ACT. | INFO. |
| DIRECTOR/ CIV. HEAD | | | |
| MANAGER | | | |
| STAFF | 2 | | |

The Ministry of Environment and Energy has reviewed the above noted proposal in terms of policies, goals, and objectives of this Ministry. The proposal is for 14 single family residential units and 58 town and row housing units on 2.31 hectares within the City of Hamilton. Servicing requirements for the proposed draft plan of subdivision will be met by municipal water supply and sanitary service. The Ministry wishes to provide the following comments.

In light of the above facts, and in the absence of any evident potential for significant land use conflicts, I may advise you that the Ministry of the Environment would have no objection to draft approval to Plan of Subdivision 25T-93010.


For the proponent's information, we request that the following be added as "Notes to Draft Approval":

1. The proposed water distribution system meets the definition of a "water works" under the Ontario Water Resources Act; therefore, approval of the Director must be obtained under Section 52 of the Ontario Water Resources Act, R.S.O. 1990, prior to construction of the water supply system. The proponent must ensure that the application for Approval of Water Works, and appropriate supporting information are submitted to the Ministry of the Environment.

2. The proposed stormwater management system meets the definition of a "sewage works" under the Ontario Water Resources Act; therefore, approval of the Director must be obtained under Section 53 of the Ontario Water Resources Act, R.S.O. 1990, prior to construction of the stormwater management system. The proponent must ensure that the application for Approval of Sewage Works, and appropriate supporting information are submitted to the Ministry of the Environment.
3. The proposed sanitary sewage collection system meets the definition of a "sewage works" under the Ontario Water Resources Act; therefore, approval of the Director must be obtained under Section 53 of the Ontario Water Resources Act, R.S.O. 1990, prior to construction of the sanitary sewage collection system. The proponent must ensure that the application for Approval of Sewage Works, and appropriate supporting information are submitted to the Ministry of the Environment.

Should you have any questions, please contact Brad Farnand, the Environmental Planner responsible for this review at (416) 521-7640, or Mike Foley, the Environmental Planning Officer responsible for the area at (416) 521-7694.

Yours Truly



Brad Farnand
Environmental Planner
Approvals and Planning Unit

cc. DiCenzo Construction Company Limited, 205 Quigley Road, Unit #2, Hamilton, Ontario, L8K 5M8

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 January 11
ZAC-93-08
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for rezoning - 214 - 244 King William Street

RECOMMENDATION:

1. That approval be given to amended Zoning Application ZAC-93-08, Rosewind Realty (In Trust), Owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "CR-3" (Commercial - Residential) District, modified to permit the development of a thirteen (13) storey mixed residential/commercial building including: 94 apartment units; a four storey parking garage, and, ground floor commercial uses, for lands located at 214 - 244 King William Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the subject lands be rezoned from "H" (Community Shopping and Commercial, etc.) District to "CR-3" (Commercial - Residential) District;
 - ii) That the "CR-3" (Commercial - Residential) District regulations as contained in Section 15B of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following as special requirements:
 - a) That notwithstanding Section 15B(8)(c), no building or structure shall exceed thirteen (13) stories or 37.9 metres in height;

- b) That notwithstanding Sections 15B(9) and (10), the following yards shall be provided and maintained for the residential uses:
 - front minimum 4.3m
 - side (east) minimum 3.1m
 - side (west) minimum 3.0m
 - rear minimum 7.7m
 - c) That notwithstanding Section 15B(17)(b)(i), the maximum residential gross floor area shall not exceed 7,219.0 m²;
 - d) That notwithstanding Section 15B(19), a minimum 1,410.0 m² of amenity area shall be provided and maintained;
 - e) That notwithstanding Section 15B(21), a minimum 50% of the area of the lot shall be provided and maintained as landscaped area;
 - f) That notwithstanding Sections 2(2)(J)(xb)(a) and 15B(23), a minimum of 4.3% of the area of the lot shall be provided and maintained as landscaped area at grade, including a portion of the area beneath the roof;
 - g) That notwithstanding Section 18(3)(vi)(cc), balconies may project not more than 2.0m into the required yards;
 - h) That notwithstanding Sections 18A(8), not more than 8 parallel parking spaces shall have a minimum length of 5.7 m; and,
 - i) That notwithstanding Section 18A(1)(c), one 18.0m x 3.7m x 4.3m loading space shall be provided and maintained.
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-4 be notated S- ;
 - iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to Council; and,
 - v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. That approval of the Site Plan include a condition that the applicant construct a layby to the satisfaction of the Traffic and Roads Departments on King William Street (outside of the property line) at their own expense.

EXPLANATORY NOTE:

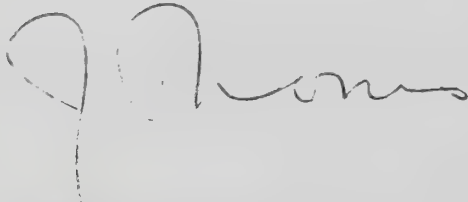
The purpose of the proposed by-law is to provide for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "CR-3" (Commercial - Residential) District, modified for lands at 214 - 244 King William Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the development of the subject lands for a thirteen (13) storey mixed residential/commercial building including: 94 apartment units; a four storey parking garage; and ground floor commercial uses.

In addition, the By-law provides for the following variances as special requirements:

- to allow a maximum height of thirteen (13) stories or 37.9 m for any building or structure, whereas a maximum height of twenty-four (24) stories or 77.0 m is permitted;
- to permit reduced yards for the residential uses as follows: front - 4.3 m, whereas a minimum 9.0 m is required; side (east) - 3.1 m, whereas a minimum of 9.0 m is required; side (west) - 3.0 m, whereas a minimum of 4.5 m is required; and, rear - 7.7 m, whereas a minimum of 13.5 m is required;
- to permit a maximum residential gross floor area of 7,219.0 m², whereas a maximum of 3,387.8 m² is permitted for residential uses;
- to permit a minimum 1,410.0m² of amenity area to be provided and maintained, whereas 2,632.0 m² is required;
- to require a minimum 50% of the lot area to be provided and maintained as landscaped area, whereas a minimum 40% of the lot area is required;
- to permit a minimum 4.3% of the area of the lot to be provided and maintained as landscaped area at grade with a portion to be under the roof, whereas the by-law requires a minimum of 10% all to be fully and completely exposed to natural light and air and unobstructed above the surface;
- to permit balconies to project a maximum of 2.0m into the required yards, whereas a maximum projection of 1.0m is permitted;
- to permit not more than 8 parallel parking spaces to have a minimum length of 5.7 m, whereas 6.7 m is required; and,

- to permit one 18.0m x 3.7m x 4.3m loading space, whereas two are required.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is proposing to change the zoning from "H" (Community Shopping and Commercial, etc.) District to "CR-3" (Commercial - Residential) District, modified to permit the development of a thirteen (13) storey mixed residential/commercial building including: 94 apartment units; a four storey commercial parking garage; and, approximately 921.0 m² (9,900 ft²) of ground floor commercial and office uses (see APPENDIX "B" attached).

APPLICANT:

Rosewind Realty (In Trust), Owner.

LOT SIZE AND AREA:

The subject property has:

- a frontage of 55.583 m (182.36 feet) on King William Street;
- a frontage of 32.62 m (107.02 feet) on Jarvis Street; and,

- an area of approximately 1,811 m² (19,501 feet²).

LAND USE AND ZONING:

| | <u>Existing Land Uses</u> | <u>Existing Zoning</u> |
|--------------------------|---------------------------|--|
| <u>Subject Lands</u> | Parking Lot | "H" (Community Shopping and Commercial, etc.) District |
| <u>Surrounding Lands</u> | | |
| to the north | Amity | "J" (Light and Limited Heavy Industry, etc.) District |
| to the east | Apartment building | "CR-3" (Commercial - Residential) District |
| to the south | Offices | "H" (Community Shopping and Commercial, etc.) District, modified |
| to the west | Commercial | "H" (Community Shopping and Commercial, etc.) District |

OFFICIAL PLAN:

The subject lands are designated **Central Policy Area** on Schedule 'A' - Land Use Concept and are within Special Policy Area 3 of the Official Plan. The following policies, amongst others, are noted:

- "A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:
- i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan;

- ii) Residential Uses of various types, including, but not limited to, single-family detached, semi-detached, row and apartment housing, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7;

A.2.8.9 It is the intent of Council that the character and function of the CENTRAL POLICY AREA be enhanced. Specifically, Council will:

- v) Encourage proponents of development or redevelopment, including the infilling of vacant lots, to ensure sensitive integration of the proposal with the scale and character of adjacent structures. Accordingly, Council will encourage the compatibility of building height, setback, material and building lines with adjacent structures;

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
- ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

A.2.2.29 Any structure containing both residences and COMMERCIAL Uses, including offices primarily intended to offer goods and services to persons other than the residential occupants thereof, will be deemed to be mixed COMMERCIAL/RESIDENTIAL. Such uses may be permitted in areas designated COMMERCIAL provided that they have been identified in the Neighbourhood Plan and satisfy the following provisions:

- i) Amenity spaces will be provided exclusively for the Residential component and will be functionally separated from public areas associated with the COMMERCIAL component;
- ii) Prior to any approval for proposed COMMERCIAL/RESIDENTIAL development, Council will be satisfied that any impacts emanating from the COMMERCIAL component which will detract from the amenity of the associated Residential Uses will be minimized;

- iii) Customer parking areas associated with the COMMERCIAL component will preferably be physically separated from such areas provided for the Residential Uses and, in any instance, their use will not interfere with the safe and efficient use of Residential parking areas; and,

A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii);

- i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;
- ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial and Apartments". The proposal complies with the intent of the Neighbourhood Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority advise they have no comment or objection.
- The Traffic Department advises:

"In response to your memorandum of 1993 October 29, please be advised that we have reviewed the above revised application and have the following comments.

We recommend that the drop-off area on King William Street be lengthened as far as possible between the two hydro vaults to afford more stacking room for vehicles.

Entrance to the loading bay entrance from Jarvis Street will require the entire width between the two columns to allow for adequate maneuvering room for semi-trailers. Therefore, while we have no objection to having a pedestrian walkway beside the loading bay, we recommend that it be at the same elevation as the loading bay and perhaps indicated as a pedestrian walkway by using some different type of surface material than that used for the loading bay.

It is unclear from the submitted drawings whether the Roads Department's concerns with motorist visibility entering the road and sidewalk area on Jarvis Street has been addressed. While we acknowledge that the wall adjacent to the south property line has been replaced by a series of pillars for a certain distance back from Jarvis Street, Page P1a of the revised drawings shows a wall bordering the parking ramp. We recommend that this wall be no higher than 0.5 metres to afford motorist visibility. Please provide a clarification of the design in this area, as our preference would otherwise be to maintain a straight ramp.

Again, it our understanding that a variance will be necessary to allow only one 3.7m x 18.0m loading space instead of the two required spaces."

The Traffic Department has further advised:

"Further to our letter of 1993 November 9, we are making the recommendation that the approval of the zoning application be conditional upon the applicant building the layby, which is outside the property line, at their own expense.

Again, it is unclear from the submitted drawings whether the Roads Department's concern with motorist visibility entering the road and sidewalk area on Jarvis Street has been addressed. While we acknowledge that the wall adjacent to the south property line has been replaced by a series of pillars for a certain distance back from Jarvis Street, Page P1a of the revised drawings show a wall bordering the parking ramp. We recommend that this wall be no higher than 0.5 metres to afford motorist visibility. Please provide a clarification of the design of this area, as our preference would otherwise be to maintain a straight ramp."

- The Roads Department advises:

"We refer to our previous comments dated April 1, 1993 and August 24, 1993, our meeting with the applicant/owner on October 14, 1993 and the revised plans dated October 29, 1993 which were submitted to our Office for review. Based on the above, we

have now compiled all our comments into this one memorandum as follows:

1. There are public watermains and combined storm and sanitary sewers available to service these lands.
2. The existing road allowance width of both King William Street and Jarvis Street is 20.12m. Therefore, we do not anticipate any further road allowance widenings for municipal purposes at this time.
3. We understand that the canopy encroachments into the adjacent road allowances have been removed from the site plans submitted and are no longer considered part of this application.
4. The proposed vegetation at the intersection of Jarvis Street and King William should not obstruct the visibility of motorists at this intersection. In that respect, this vegetation should not exceed 0.6m above the corresponding perpendicular centreline elevation of King William Street and Jarvis Street.
5. We understand that the City of Hamilton Traffic Department is recommending that a lay-by be built on the south side of King William Street between the two hydro vaults. This requires an agreement with the City of Hamilton and should be included as a condition of development approval. Any utility relocations, municipal sidewalk relocation etc. and the construction of the lay-by etc. must be completed to our Municipal standards and all costs of these works will be the sole responsibility of the applicant/owner.
6. Comments from the City of Hamilton Traffic Department with respect to access, loading, parking etc, should be considered.
7. In our previous comments and our discussion at the meeting, specific concern was mentioned with respect to our required daylight visibility triangles between the access and the municipal sidewalk on Jarvis Street. It is unclear from the revised plans submitted whether the building structural columns on the southside of the building, within 5m of the Jarvis Street road allowance will be closed in with walls or whether it will remain open to provide motorist visibility for a 5m by 5m daylight triangle between the access and the Jarvis Street road allowance. We cannot approve the plans or provide specific comments until this matter has been resolved. We are also concerned that the wall structure along the south property line may obstruct motorist visibility entering the sidewalk area of Jarvis Street from adjacent lands to the south.

We also require further clarification on the set back of the concrete wall adjacent to the parking ramp. These walls should not be higher than approximately 0.60m above the ramp to ensure adequate motorist visibility entering this area especially within 5 to 6 metres of the Jarvis Street road allowance limits.

8. More specific comments on landscaping, grading etc. will be made at such time as these plans are submitted for our review and comments."

- The Building Department advises:

"Further to our previous comment letters and the drawings and information provided, the following items require variances.

A. Yards (for residential use)

| | |
|-------------|--------|
| front | 4.293m |
| side (east) | 3.079m |
| side (west) | 2.969m |
| rear | 7.653m |

B. Gross Floor Area/Factor

| | |
|-------------------------------------|-------------------------|
| total area (residential/commercial) | 15221.0m ² * |
| (residential) | 7219m ² |

* The parking area has been included in the 'total area'.

C. Amenity Areas

| | |
|------------|-----------------------|
| total area | 1410.0 ² * |
|------------|-----------------------|

* Portions of the terrace area are not accessible, therefore shall not be included in the amenity area.

NOTE: According to calculations ($1758\text{m}^2 - 907.72\text{m}^2 = 850.27\text{m}^2$) the terrace area is 13m² less than indicated.

D. Landscaped Area

| | |
|---------------|---------------------|
| total area | 941m ² * |
| area at grade | 78m ² ** |

** A portion of the area at grade is beneath the roof, which contravenes the definition of landscaped area.

* The area does not provide 50% natural earth comprising of grass, trees, shrubs and flowers as required.

NOTE: According to calculation ($1758\text{m}^2 - 907.72\text{m}^2 = 850.27\text{m}^2$) the terrace area is 13m^2 less than indicated.

E. Parking Spaces

- a. parking spaces #7, 39 and 42 have insufficient width.
- b. parking spaces #40 and 41 have insufficient width and length.
- c. parking spaces # 31 and 34 have insufficient length due to corners being angled.

NOTE: The length dimension of # 31 to 34 appears to be typographic.

F. Loading Spaces

Only one loading space has been provided.

- G. The balconies project into the proposed front and rear yard more than the 1.0m maximum permitted.

The proposed development shall conform to the requirements of the Ontario Building Code."

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the approved Beasley Neighbourhood Plan.
2. The proposal has merit and can be supported on the following basis:
 - it complies with the intent of the Official Plan which encourages a variety of housing types and densities within the downtown core;
 - it provides for an adaptive reuse of a vacant commercial site;
 - it provides the opportunity for affordable housing;

- it is suitably located in terms of public transit, access to services, proximity to the commercial shopping areas, and proximity to social and recreational facilities;
 - it would act as a catalyst in encouraging future redevelopment in this area of the downtown; and,
 - it would be harmonious and integrate with the existing "CR-3" zoning to the east and west, as well as the existing nine storey multiple family development (Villa Verdi) to the east.
3. The Building Department notes a number of variances with respect to yards, gross floor area, amenity and landscaped areas, parking and loading spaces, and balcony projections.

Yards - Variances are required for all the yards of the residential component of the proposal. It is noted that this proposal is on a corner lot (the southwest corner of Jarvis Street and King William Street). In this regard the front and side yard (east) are separated from adjoining uses by roads. To the south is a newly built one storey office building (Ontario Ministry of Labour) and a recently renovated three storey industrial building which house a commercial school (Hamilton Ballet School), as well as retail uses such as a restaurant. It is not anticipated that this site will be redeveloped in the immediate future. Given the foregoing, the variances for reduced yards can be supported.

Gross Floor Area - The residential gross floor area proposed is 7219.0 m². While this is more than twice that for permitted for the residential portion of the building, it is less than half of what is permitted for a combined residential and commercial building in the "CR-3" District. In this regard, the height, bulk and arrangement of the proposed building would be considerably less than the maximum permitted under the "CR-3" District regulations for a joint residential and commercial building .

Further, the subject lands are located immediately north of commercial activities along King Street, a block away from existing and planned high density residential uses to the north and is readily accessible to public transit and social, cultural and recreational facilities. This site is a block away from Theatre Aquarius and local restaurants on King Street and King William. In this regard, it could act as a catalyst in encouraging future redevelopment in this area of the downtown.

Amenity Area - The amenity area proposed (1,410.0 m²) is slightly more than half required in the by-law (2,632 m²). Given this location within close proximity to the downtown core and the necessary social and community services, the variance with respect to amenity areas can be supported.

Landscaping - The applicant proposes more than 50% of the lot area as landscaped area (the by-law requires not less than 40% of the lot area), however only 4.3% of the lot area is proposed to be landscaped at grade (the by-law requires not less than 10% of the lot area to be landscaped at grade). A portion of the landscaping at grade is not open to the sun. The applicant however, has agreed to provide a public space to the northeast corner of the building (at the southwest corner of King William Street and Jarvis Street) for sculpture/art work/intensive landscaping or other similar treatment. This treatment of the corner would enhance the building and further encourage pedestrian activity along Jarvis Street to King Street and along King William Street to Ferguson Avenue. It would have the added benefit of reinforcing the cultural nature emerging through the presence of the existing theatre and local restaurants .

Loading Space - The by-law requires two loadings spaces to be provided and maintained on-site. One loading space is being provided within the proposed building. In lieu of the second loading space, the Traffic Department is requesting that, as a condition of approval, the applicant provide, at his expense, a lay-by on King William Street. This condition can be incorporated as part of the Site Plan Approval process.

Parking - Eight parallel parking spaces (two spaces per floor) are deficient in length (5.7 m instead of the required 6.7 m). The Traffic Department has advised verbally that they can support this variance. They also note that twenty non-required parking spaces (five per floor) are deficient in either length and/or width and may not be usable spaces.

Height - The proposed mixed use development is to be thirteen stories or 37.9 m in height. The "CR-3" District provisions permit a maximum height of twenty-four stories or 77.0 m. Given the nature of the adjacent zoning and existing development, it is considered appropriate to limit the height of the development to that proposed by the applicant.

Balcony Projections - Given the comments above with respect to the variance for the yards, the variance with respect to increasing the maximum distance for balcony projections into required yards from 1.0 m to 2.0 m can be supported.

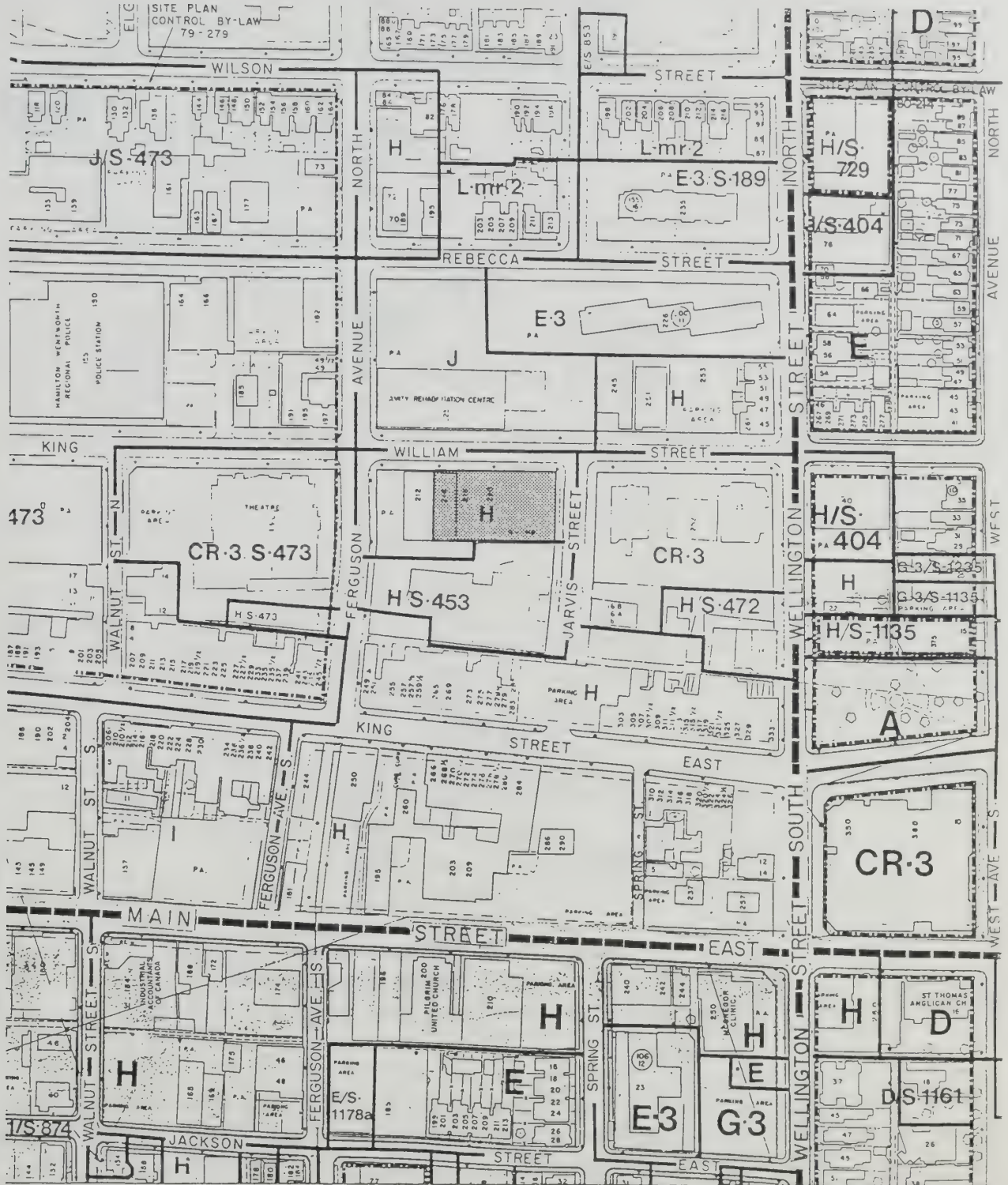
4. The Roads and Traffic Departments have expressed concern with respect to the motorist visibility and the required daylight triangles to be provided at the Jarvis Street entrance to the parking garage as well as the height of the wall on the parking ramp. In response the applicant's architect has indicated that "...it is our intent not to have any walls between the structural columns currently shown on drawing P2 along the southerly property line. We may have a problem with the exposure setback according to the O.B.C. but we will deal with that at a later date. In addition we expect to keep the ramp walls as low as possible and apply an open railing system along the curve to enable continuous vision for both vehicular and pedestrian traffic alike."

5. The Traffic Department has recommended that approval of the zoning application be conditional upon the applicant building a layby (which is outside the property line) at their own expense. This can be dealt with at the Site Plan Control stage of the development.

CONCLUSION:

On the basis of the foregoing, the amended application can be supported.

CLF/
93-08



Legend



Site of the Application





1000

JARVIS STREET AT KING WILLIAM STREET --- HAMILTON, ONTARIO --- OCTOBER 1993 --- 4375 --- P2

| DETAILS OF DEVELOPMENT | LEGAL DESCRIPTION |
|----------------------------------|----------------------------|
| 457 LOT AREA - 1911 sq ft | ALL OF LOTS 11 & 12 |
| BLADING CONTRACT - 1796 sq ft | AND PART OF LOT 13 & 14 |
| BLADING PRICE PER SQ FT - 152.11 | BEING LOTS 11, 12, 13 & 14 |
| BLADING TOTAL - 332,000 | IN THE CITY OF DENVER, |
| NO. OF LOTS - 17 | BEING WHOLLY |
| NO. OF IMPROVEMENTS - 148 | ACCORDING TO THE |
| NO. OF LOTS BUILT - 78 | RECORDS TO THE |
| UNIMPROVED AREA - 78 AND 1/2 AC | LOT 17 MOORE SUBDIV |
| (TOTAL LOT AREA) | |

JAN 1 4

CITY OF HAMILTON

- RECOMMENDATION -

DATE: January 10, 1994
Bruleville Neighbourhood
ZAR-93-37

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a further modification to established zoning -
Nos. 986-998 Upper Wentworth Street.

RECOMMENDATION:

That approval be given to Zoning Application 93-37, 645437 Ontario Limited, (A. Barzilay), owner, requesting a further modification to the established "HH" (Restricted Community Shopping and Commercial) District, to permit additional restaurant uses within the existing shopping plaza, on lands located Nos. 986-998 Upper Wentworth Street, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law 85-230 and By-law 89-115, be further modified as follows:
 - a) That Sections 2.(a)(ii) and 2(b)(ii) of By-law No. 89-115 be deleted; and,
 - b) The clause "provided that the said restaurant or refreshment room and the said tavern shall occupy an area no larger than 3,000 square feet in area and shall be operated as one unit only" be deleted from Sections 2.(a) and 2.(b) of By-law No. 89-115.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-922d and S-936b, and the subject lands on Zoning District Map E-18A be notated S-922d and S-936b;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18A for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

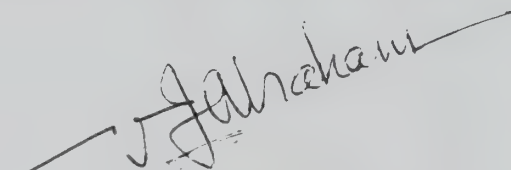
- v) That the approved Bruleville Neighbourhood Plan be amended by excluding the subject lands from the special policy which prohibits high traffic generating uses.

EXPLANATORY NOTE:

The purpose of the proposed change in zoning is to provide for a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, for property located at Nos. 986-998 Upper Wentworth Street, as shown on the attached map.

The effect of the By-law is allow additional restaurant uses within the existing commercial plaza [i.e. remove the restriction of one restaurant unit and the maximum permitted floor area of 278.7 m² (3,000 sq. ft.)].


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the application is to permit additional restaurant uses within the existing shopping plaza, located at Nos. 986-998 Upper Wentworth Street, notwithstanding By-law 89-115 which only permits one restaurant unit within the existing commercial plaza, with a maximum floor area of 278.7 m² (3,000 sq. ft.).

- Official Plan Amendment No. 31 and By-law 85-171

Official Plan Amendment No. 31 was passed by City Council on August 27, 1985. This Amendment had the effect of redesignating, among other lands, the southerly part of the subject lands, from "Residential" to "Commercial", and prohibiting high traffic generating commercial and public uses, such as restaurants and other places of assembly. In addition, it anticipated that the number of new vehicle accesses onto Upper Wentworth Street would be limited.

By-law No. 85-171, which implemented Official Plan Amendment No. 31, was also passed on August 27, 1985. It rezoned, among other lands, the subject lands from "AA" (Agricultural) District and "B-1" (Suburban Agriculture and Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District modified, to prohibit private clubs, lodges, etc.; restaurants with or without entertainment; and, auctioneer's premises, etc.

- Zoning Application 87-119

On February 23, 1988 Council, in adopting Item 15 of the 4th Report of the Planning and Development Committee, denied ZA-87-119, which requested a further modification to the established "HH" District regulations to permit a restaurant on the lands located at Municipal Nos. 986-998 Upper Wentworth Street. An appeal of the decision was heard by the Ontario Municipal Board on February 13, 1989. By decision of the Board, dated March 1, 1989, this appeal was allowed. The Board directed both the Official Plan (Amendment No. 74) and Zoning By-law (By-law 89-115) be amended to permit a restaurant or refreshment room and tavern without any dancing or entertainment except music, provided that the said restaurant or refreshment room and tavern only occupied an area no larger than 3,000 square feet in area and shall be operated as one unit only on the subject lands.

- Zoning Application 92-48

City Council on May 25, 1993, approved an application to permit a restaurant (in addition to the uses currently permitted), having a maximum gross floor area of 375 m² (4,037 square feet), for the property located at Nos. 1010-1024 Upper Wentworth Street. The subject lands were placed in a holding by-law until the applicant applies for and receives approval for:

- a) a Site Plan Control application; and,
- b) all access approvals and amendments from the Regional Council, as required by the Roads Department.

Removal of the holding restriction is conditional upon the approval of the Site Plan Control application for the subject lands, and approval by Regional Council of all access agreements and amendments, as required by the Roads Department. City Council may remove the 'H' symbol, and thereby give effect to the "HH" District provisions as stipulated in the By-law by the enactment of an amending By-law.

By-law No. 93-145 came into effect July 30, 1993.

APPLICANT:

645437 Ontario Limited, A. Barzilay, owner.

LOT SIZE AND AREA:

- 60.96 m (200.0 ft.) of lot frontage on Upper Wentworth Street;
- 130.787 m (429.09 ft.) of lot depth; and,
- 7970.72 m² (85,798.92 sq. ft.) of lot area.

LAND USE AND ZONING:

| | <u>Existing land use</u> | <u>Existing zoning</u> |
|--------------------------|--|--|
| <u>Subject lands</u> | shopping plaza including a Tim Horton Donut Shop | "HH" (Restricted Community Shopping and Commercial, etc.) District, modified |
| <u>Surrounding lands</u> | | |
| to the north and west | Toys-R-Us store and parking lot | "G-1" (Designed Shopping Centre) District |
| to the south | retail commercial | "HH" (Restricted Community Shopping and Commercial, etc.) District, modified |
| to the east | Limeridge Mall | "G-2" (Regional Shopping Centre) District |

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan and are within Special Policy Area 33 on Schedule "B" - Special Policy Areas of the Official Plan. The following policies, among others, would apply:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.
- A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region.

A.2.2.37 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

A.2.9.3.28 Notwithstanding the permitted uses set out in Subsection A.2.2 (Commercial Uses), for those lands shown on Schedule "B" as SPECIAL POLICY AREA 33, high traffic generating commercial and public uses, such as restaurants and other places of assembly, will be prohibited. Further, it is intended that the number of new vehicular accesses onto Upper Wentworth Street from the affected lands will be limited.

Notwithstanding the provisions of Policy A.2.9.3.28, a restaurant and tavern shall be considered a permitted use on those lands described as 986-998 Upper Wentworth Street."

The subject lands are located within SPECIAL POLICY AREA 33. In this regard, as noted in the background section above, the O.M.B. permitted one restaurant/tavern within the existing building with a maximum gross floor area of 3,000 sq. ft. The current proposal is to permit unrestricted restaurant use of the site. As the Official Plan Policy for Special Policy Area 33 does not address the number or restrict the size of the restaurant use for this property, the proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL" with a special policy to exclude high traffic generating uses such as restaurants, on the approved Bruleville Neighbourhood Plan. The proposal conflicts with the intent of the approved Plan. If approved an amendment would be required to the Plan to remove the special policy to exclude high traffic generating uses from the subject lands.

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. Presently By-law 89-115 only permits one unit for a restaurant or refreshment room and tavern with a restriction to the floor area of 3,000 square feet.
 2. The By-law shall be amended to permit more than one restaurant with no floor area restriction.
 3. It is recommended that the use of a "tavern" be repealed as it is not recognized as a permitted use under the zoning provisions of By-law 6593.

4. The parking and loading requirements are sixty-four (64) parking spaces and two 2.7 m x 18.0 m x 4.3 m loading spaces on the site."

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Upper Wentworth Street is 36.58 m. In accordance with this designation, the Region previously acquired the required road allowance widenings. Therefore, we do not anticipate any further road allowance widenings at this time.

Comments from the City of Hamilton Traffic Department with respect to access, parking etc. should be considered.

We have reviewed this application on the basis that there will be no changes to the existing traffic islands and accesses to Upper Wentworth Street.

The Special Projects Office has no comment on this application."

- The Traffic Department has advised:

"It is our understanding that the applicant is requesting that the zoning be modified to remove the restrictions on restaurants that pertain to the number of restaurants and amount of floor area.

The potential traffic that would be generated by the proposed "unrestricted" restaurant use on this site would not have a detrimental affect on the existing traffic or future traffic (as predicted by the Special Projects Office) on Upper Wentworth Street.

This site has a mutual access agreement with the lands directly to the north (Toys-R-Us property). As a result of this agreement, this site has access to the signalized intersection of Kingfisher and Upper Wentworth and the separated northbound left turn lane on Upper Wentworth. These accesses provide for safe accommodation of left turning traffic to and from the site. This property is accessible by all directions, and modifications to the Upper Wentworth Street access would not be required. Based on the above, we find the requested zoning modification to be satisfactory."

- The Hamilton Region Conservation Authority have no comments or objections.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved Bruleville Neighbourhood Plan. If approved, an amendment to the Plan would be required to remove the special policy which excludes high traffic generating uses from the subject lands.
3. The effect of the proposal is to delete the restrictions of By-law 89-115 which only permits one restaurant unit within the existing commercial plaza, with a maximum floor area of 278.7 m² (3,000 sq. ft.) [see Background ZA-87-119 and O.M.B decision]. These restrictions were imposed upon the site due to the concern for the amount of traffic that might result from the restaurant use. In this regard, the Traffic Department has advised that the potential traffic which would be generated by the proposed "unrestricted" restaurant use on this site would not have a detrimental affect on the existing traffic or future traffic on Upper Wentworth Street.

The Special Projects Office and Roads Department concur with the Traffic Department, and have advised that, unlike Zoning Application 92-48 for the property at 1010-1024 Upper Wentworth Street, no changes to the existing traffic islands and accesses to Upper Wentworth Street would be necessary to accommodate the proposed use.

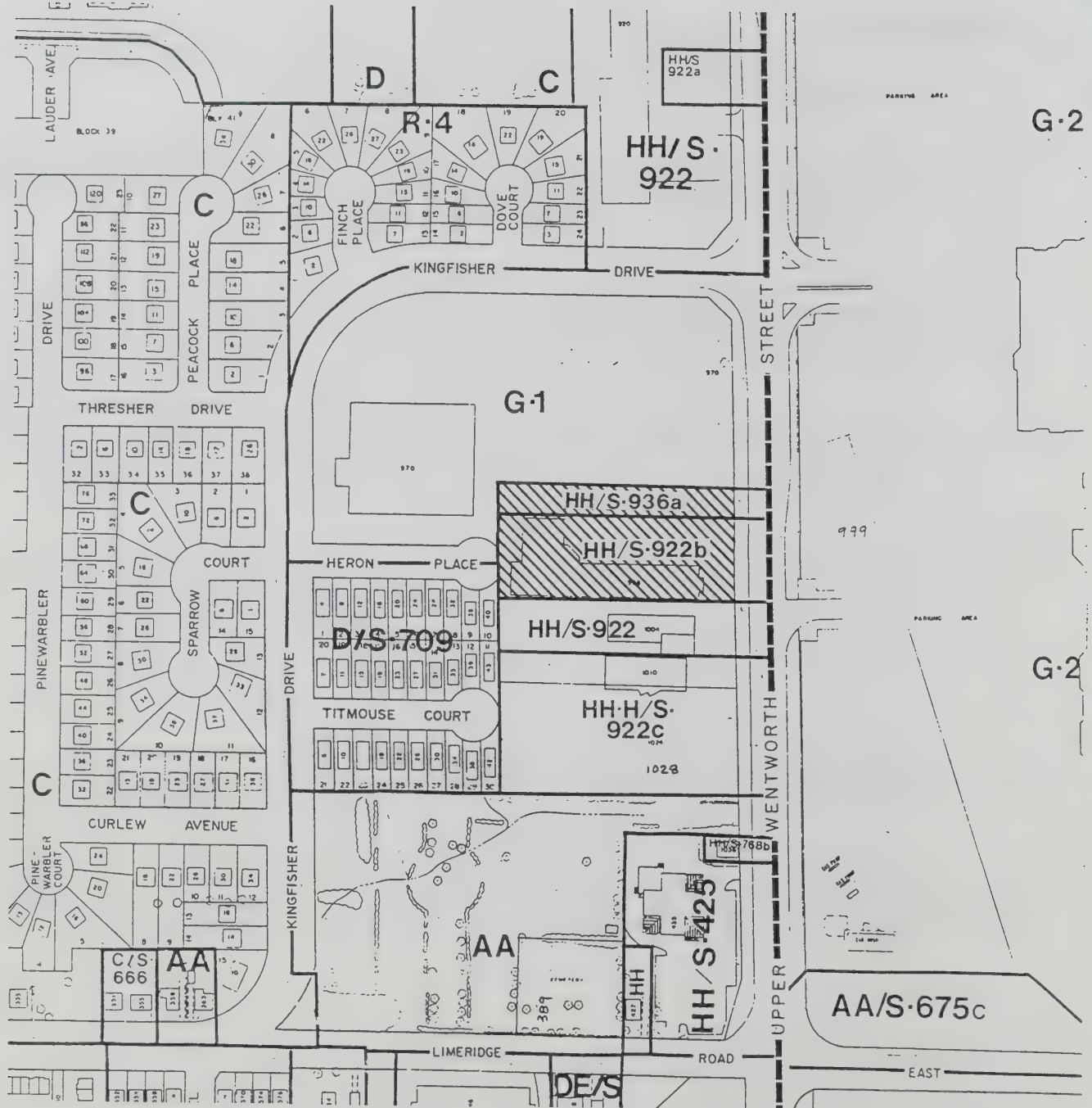
Accordingly, the proposal has merit and can be supported.

5. The "HH" (Restricted Community Shopping and Commercial) District is subject to site Plan Control By-law No. 79-275 as amended by By-law 87-223. In this regard, any changes to the site with respect to landscaping, fencing, grading, parking, loading, etc., can be further reviewed at the site plan control stage of development. However, it is unlikely that the additional restaurant uses will necessitate any changes to the existing site plan.

CONCLUSION:

Based on the foregoing, the application can be supported.

jl/JL



Legend



Site of the Application



CITY OF HAMILTON
- RECOMMENDATION -

JAN 1 1994

5

DATE: 1993 December 28
(ZAC-93-01)(A-93-132)
Riverdale East

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

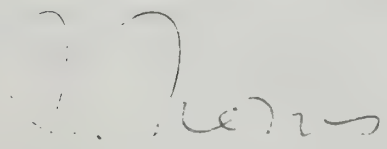
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

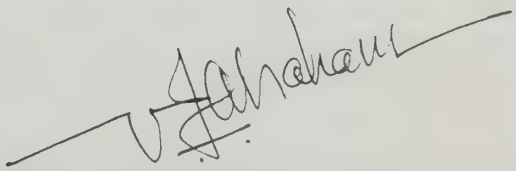
SUBJECT: Site Plan Control Application DA-93-32 for a building addition and parking area at the rear of the existing bowling centre at 121 Highway No. 8, on Queenston Road, west of Grays Road.

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-93-32 by Bowlerama Ltd., owner of lands at 121 Highway No. 8, for an addition and a parking area in the rear of the lot, subject to the following:

- a) modification to the plans related to notes and dimensions as marked in red on the plans;
- b) submission of a grading plan to the satisfaction of the Director of Development, Roads Department;
- c) provision of an easement agreement on adjacent lands to the north for drainage connections for the required catch basins;
- d) submission of a landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department; and,
- e) provision of a 2.5 m high visual barrier along the northerly property line as marked in red on the plan.


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND:

The proposed development is for the erection of a 54 m² one storey addition at the rear of the existing bowling facility located at 121 Highway No. 8. The existing parking area is also to be expanded to provide approximately 18 new parking spaces. A 6.0 m wide landscaped planting strip is provided along the rear lot line adjacent to the residential lands to the north.

RESULTS OF CIRCULATION:

The Building Department has advised the following:

1. By-law No. 93-185 passed by City Council is not final and binding.
2. The proposed by-law requires a visual barrier not less than 2.5 m in height within the 6.0 m wide landscaped planting strip.
3. The proposed by-law refers to 1011 Queenston Road and this application refers to 121 Highway No. 8. The municipal number should be clarified.

The Traffic Department has indicated that the application is satisfactory.

The Roads Department in their attached letter has indicated that a grading plan is required with provision of an easement to the north for catch basin connections. Comments related to the adjacent lands in Stoney Creek and the designated road allowance of Highway No. 8 is also noted.

The City of Stoney Creek in their attached letter has commented on the road widening of Highway No. 8, parking and driveway layout in the front area adjacent to Highway No. 8, and the proposed walkway along the easterly portion of the subject property.

The Ministry of Transportation has no comment.

COMMENTS:

The subject property is within the boundaries of both the City of Hamilton and the City of Stoney Creek. The existing structure except for approximately 4.5 m of the rear of the building is within Stoney Creek with a majority of the existing parking to the south and east of the building. The lands within the City of Hamilton are used for parking towards the east side of the property and generally vacant immediately to the rear of the building.

The submitted plans indicate a minor expansion of 54 m² (581 sq.ft.) to the rear of the building with an expanded parking area for approximately 18 vehicles. Although a "landscaped berm" of 6 m wide is identified, no plantings or grading details have been provided.

The subject property and a larger portion of lands is the subject of Zoning Application ZAC-93-01 to change the zoning from Agricultural District to Residential and Commercial districts. By-law No. 93-184 and 93-185 were approved by City Council on June 29, 1993 which has been appealed to the Ontario Municipal Board. By-law No. 93-185 requires a 6.0 m wide landscape strip and a 2.5 m high visual barrier adjacent to the proposed residential development to the north. The lands were also to be placed under Site Plan Control.

The subject property was also considered by the Committee of Adjustment under Application A:93-132 to permit a minor building addition and an expansion of the rear parking area. At its meeting of July 21, 1993 and August 18, 1993, the Committee of Adjustment tabled the application pending site plan approval.

The applicant subsequently submitted the plans under Site Plan Control Application DA-93-32.

The building addition is in itself minor in nature and does not adversely affect any adjacent lands or infringe on any required yard requirements. However, the expansion of the parking area should take into account the required buffering in the form of landscaping and fencing as identified in both the Zoning and Committee of Adjustment consideration. Although the plan identifies a 6.0 m wide landscape strip and parking area "prepared for asphalt" no information on plantings or drainage is provided.

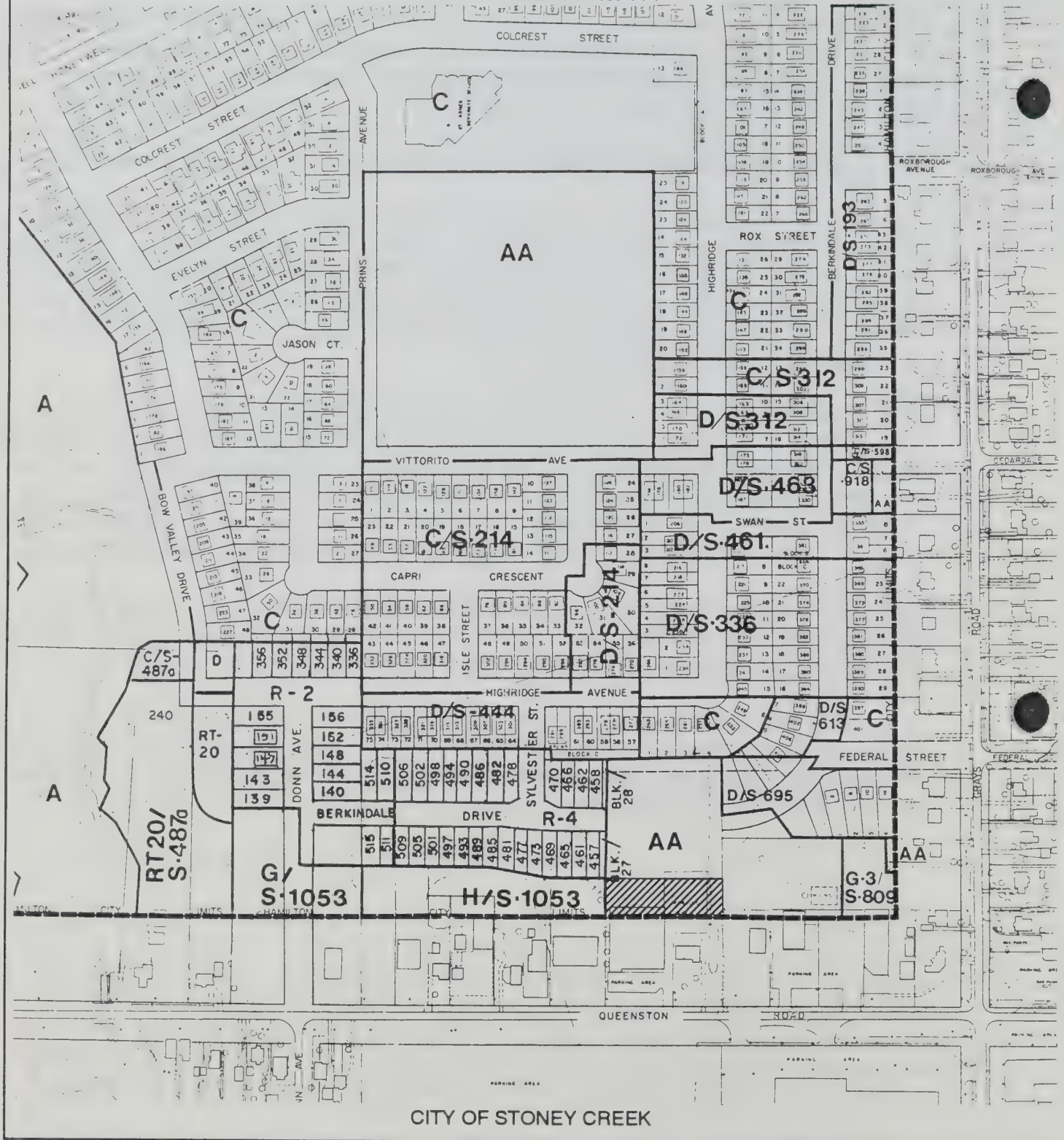
As a condition of approval, plans detailing tree and shrub plantings and required fencing should be submitted to the satisfaction of the Director of Local Planning. In addition, a grading plan should be submitted to provide appropriate information for the drainage of the proposed paved area and landscape strip. In this regard a catch basin is required and an easement must be established through the proposed subdivision to the north to connect to Berkindale Drive. These are to be established to the satisfaction of the Director of Development, Roads Department.

Modifications are required to the site plan to include the required 2.5 m high visual barrier along the rear property line and designation of curbing, wheelstops or vehicular barrier between the rear parking and landscape areas.

In regard to the comments pertaining to the proposed public walkway along the easterly property line, it should be noted that under Zoning Application ZAC-93-01, City Council at its meeting of June 29, 1993 indicated that the approved Riverdale East Neighbourhood Plan be amended by deleting the proposed walkway.

JPS/mm

RIVERDALE EAST No. 114



City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control Application DA-93-32

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North



Scale
NOT TO SCALE

Date
SEPTEMBER 1993

Reference File
DA-93-32

Drawn By
Z.K.

- MEMORANDUM -

YOUR FILE: DA-93-32

OUR FILE: E220-1803
PHONE: 546-2809
DATE: December 1, 1993

SUBJECT: Site Plan Control Application DA-93-32
at 121 Highway #8, Stoney Creek

Further to our memo of November 8, 1993, we have been informed that the requirement for the public walkway through the subdivision to the north was deleted at the zoning stage and is therefore no longer a requirement of this site plan application. However, this will require the applicant to obtain an easement through the proposed subdivision in order to outlet the required parking lot catchbasins into the sewer on Berkindale Drive.

By copy of this letter to the City of Stoney Creek, they may wish to revise their requirements on the site plan within their jurisdiction accordingly.

EH/HG/md

cc: City of Stoney Creek
Att: R. Reid

DEC 08 1993

ROADS DEPARTMENT

- MEMORANDUM -

TO: J. Sakala
Planning and Development Department

YOUR FILE: DA-93-32
K13

FROM: Eugene P. Chajka, P. Eng.
Manager of Development
Roads Department

OUR FILE: E220-1803
PHONE: 546-2809
DATE: November 8, 1993

SUBJECT: Site Plan Control Application DA-93-32
at 121 Highway No. 8, Stoney Creek

GRADING AND SERVICING

The applicant has not submitted a detailed grading plan with this application and is required to do so as a condition of site plan approval.

Please submit a grading plan showing existing and proposed grades, topographical information, drainage patterns and location of proposed catchbasins. As a requirement of the City of Hamilton By-Law 80-245 all parking lots must be drained by catchbasins, approximately one per 500 sq. metres, therefore this development would require a minimum of three basins. We recommend the applicant/owner obtain an easement through the proposed walkway to outlet these basins to Berkindale Drive.

TRANSPORTATION COMMENTS

We have reviewed the above application and submit the following:

- 1) In conjunction with this application, we are also reviewing Queenston Heights Addition draft plan of subdivision on lands abutting to the north. According to the approved neighbourhood plan, there is a walkway designated extending south from the extension of Berkindale Drive to the south City of Hamilton limits. It is intended that this walkway extend southerly from the City of Hamilton limits to Highway No. 8 in the City of Stoney Creek.
- 2) We have reviewed the requirement for this walkway with our Public Transit Department and it is their recommendation that this designated walkway be retained since it provides a direct pedestrian connection between the internal neighbourhood and their transit facilities located at the Fiesta Mall on the south side of Highway #8, opposite this walkway connection.

Cont'd...

-page 2-
November 8, 1993

**Site Plan Control Application DA-93-32
at 121 Highway No. 8, Stoney Creek**

Cont'd...

TRANSPORTATION COMMENTS (Cont'd)

- 3) As a condition of site plan approval we recommend that a 3.0m walkway be established along the east property line and that the applicant/owner enter into an agreement with the City to construct this walkway to our standards, at the expense of the owner, and to dedicate these lands to the City of Hamilton as a public walkway.
- 4) The landscape and grading plans must be revised to reflect the construction of the walkway through these lands.
- 5) The designated road allowance width of Highway #8 is 36.58m. In accordance with this designation, the applicant should be advised of a future road allowance widening to the Ministry of Transportation of Ontario sufficient to establish the property line 18.29m from the centreline of construction on Highway #8 as shown on Miscellaneous Plan No. 1482.
- 6) As this development is also located in the City of Stoney Creek, we recommend that this site plan be forwarded to the City of Stoney Creek for their review and approval. By copy of this letter to the City of Stoney Creek Engineering Department, we are requesting that as a condition of their development approval for this project, that they require that the applicant/owner dedicate lands to the City of Stoney Creek for the establishment of this walkway extension on the east limits of the property from the south City of Hamilton limits to Highway #8.

EH/md 

cc: City of Stoney Creek
Att: R. Reid

cc: P. Strong, Regional Roads



The City of Stoney Creek

File No. 35-2255

November 10, 1993

Mr. V.J. Abraham, MCIP
Director of Local Planning
Regional Municipality of Hamilton-Wentworth
Planning & Development Department
71 Main Street West
Hamilton ON L8N 3T4


**Re: Site Plan Control Application DA93-32
Lucky Strike Bowl**

The limits of the subject property are presently within the boundaries of both the City of Hamilton and the City of Stoney Creek. The owners of Lucky Strike Bowl are requesting approval of a 581m² building addition and extension to the existing parking area at the rear of the subject property. These works are located all within the City of Hamilton and therefore, the City of Stoney Creek has no jurisdiction to place the subject lands under Site Plan Control. Should the City of Hamilton decide to enter into agreements with the present owners, we would request the following concerns be addressed.

In reviewing previous developments along the Highway 8 corridor, we would advise that:

- (a) A dedication of a road widening across the frontage of the subject property adjacent to Highway 8 has been required. This was requested to achieve a right-of-way of 18.29 metres from the centreline of the original road allowance. These lands have been deeded to the Ministry of Transportation of Ontario.
- (b) The incorporation of a road widening would eliminate the majority of area presently used for the existing parking and driveway along the front of the bowling alley. These remaining lands should be landscaped. The installation of a 1.5 metre concrete sidewalk should also be located across the front of the existing building from the main driveway to the building entrance. The eliminated parking from this area must be accommodated elsewhere on the subject lands.
- (c) It is our understanding that the City of Hamilton has, within their Secondary Plan, identified a common walkway from Berkindale Drive to the abutting boundaries of both municipalities. This walkway would be located along the easterly portion of the subject property. Again, if the entire property is placed under development control by the City of Hamilton, this walkway should be extended to the Highway 8 right-of-way.
- (d) The Ministry of Transportation should receive a copy of the submitted Site Plan for their review and comment.

If you should have any questions in this regard please contact Bob Reid at 643-1261, Extension 258.


Ian Neville, P.Eng.
City Engineer

mpc:rr:jcs

6.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: January 4, 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee


FROM: L.C. King, P.Eng.
Building Commissioner

D. Lobo
Director of Public Works

SUBJECT: BARTON STREET REVITALIZATION (94.2.4.2.1.A)

RECOMMENDATION:

- a) That the Building Department be directed to implement a Barton Street Redevelopment Programme as outlined on Schedule A.
- b) That the appropriate Standing Committees of Council, both Regionally and Municipally, be requested to support the Programme by waiving all fees and redevelopment charges in relation to implementation of the Programme.
- c) That the Public Works Department be directed to initiate the necessary action to designate the areas of Barton Street from James Street to Kenilworth Avenue not already designated as a Community Improvement Area.
- d) That an implementation Committee be established composed of representatives of the Ward Aldermen, the Business Improvement Area (B.I.A), residents from the area and the various departments responsible for delivery. This Committee would be officially struck once approval from the Province was obtained to access the funds.



L.C. King, P. Eng.
LCK/DL/JHR/dc



D. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The purpose of this report is to provide the basis for a sound economic and physical solution to the present problems facing Barton Street from James Street to Kenilworth Avenue. The financing for this major undertaking is available only if the Province of Ontario allows the City to utilize the approximately five million dollars accumulated in the Ontario Home Renewal Programme Trust Account. The City can make a strong case to the Province that these funds should remain with the City but this issue is not addressed in this report.

The recommendations or suggestions have been discussed with other departments and include input from the Building Department, Public Works Department, Barton Street B.I.A., Housing Department and the Traffic Department. The two lead departments, Building and Public Works, are presently responsible for the various rehabilitation programmes as well as implementation of programmes within Business Improvement Areas. At some future date it is also recommended that we discuss the residential aspects of the programme with Social Services, Canadian Mental Health, and the Housing Help Centre. There is also a great sense of urgency and the proposals contained herein, we believe can, be implemented within 18 months of the acceptance by the Province.

The recent and prolonged recession has been devastating to the small struggling businesses on Barton Street. Traditionally, Barton Street has been a focal point for small independent operations, often ethnic in nature, who require a central location close to the downtown core. Barton Street has always provided lower rents and provided the ideal testing grounds for fledgling businesses. The area is also the home of several long time owners who are now under severe economic pressure because of high vacancy rates in both the commercial and residential space.

These vacancy rates have soared in recent years as new businesses have been reluctant to take the initiative in today's economy. As a result vacancies on Barton Street are the norm rather than the exception, and many of the commercial areas are boarded up or simply vacant.

In addition, many of the former residential uses located above the stores have become empty because of the condition of the units and the unwillingness of the owners to market the units. The owners have evidently decided it is simply easier to leave the space vacant. This has added to the security problems and the continued deterioration of the area.

The end result is that we presently have a "chicken and egg" situation. Are the businesses failing because of the high residential vacancies, or are the residential vacancies the result of the empty commercial space? Regardless, some action must be taken to break the cycle which is feeding upon itself in a rapidly downward spiral.

It is apparent that the City must take the initiative as private enterprise does not have the will or the resources to tackle such a widespread problem over such a large area. In order to develop an effective programme both short and long term solutions must be found. The solution must not only address a portion of the street but the entire area. The City must also initiate a comprehensive land use planning review of Barton Street as part of the problem can be traced to the traditional City strategy of planning in a north-south direction, and the fact Barton Street runs east-west resulting in Barton Street being "chopped up" in the planning process.

In the past, housing and financial matters have been the responsibility of the senior levels of government. However, recently, local programmes have become more popular as they can be tailored to fit the specific needs of the community. This is particularly true in Hamilton's case as we have actively assisted in preserving and creating affordable housing for lower income families as well as individuals. There is no question that affordability for both the government and the consumer is a widening crisis and must be addressed in any new proposal. With that concept in mind we believe that the best avenue to follow is to repair or convert the existing stock into something both practical and useful. This applies to the commercial areas as well as the residential. As justification for this position, the following is provided;

(A) Maintain the Assessment Base:

Any deterioration in the physical quality of the housing stock has a negative effect on the property assessment base. Further threats to the local assessment base would result if value of properties continue to decline on Barton Street. The City of Hamilton must encourage the repair, maintenance and upkeep of our commercial and residential areas. Hamilton must avoid the cycle of neighbourhood disinvestment which has become part of American cities.

(B) Employment and Economic Recovery:

The recent housing programme announced by the Province of Ontario "Jobs Ontario" indicates the importance of job creation in the construction industry.

An important aspect to construction, particularly in the area of rehabilitation and conversion, is its ability to provide both skilled and unskilled jobs. Most of the funds are directed to actual labour and materials costs. Interest charges, consultant fees or land costs are usually not a factor in rehabilitation. Contracts for rehabilitation can be entered in a matter of weeks, quickly providing immediate infusion of capital to the community.

(C) Property Standards Enforcement:

The City of Hamilton absorbs significant costs in staff time when enforcement of the Property Standards By-law is required and convictions do not guarantee that the work will be done or the fine collected. It has been proved over and over again "carrots" work better than "sticks".

(D) Costs of New Construction Versus Repairs or Conversion:

Affordable housing (non-profit) is available by either building new subsidized units, rehabilitating or converting existing housing units. The cost of new construction ranges from \$66,000 to \$128,000, per unit, based on the Ministry of Housing's Maximum Unit Price (MUP) for the Hamilton market. Operating subsidies can exceed another \$1,000 per month, per unit and continue for 35 years or longer. However, repairing or converting the existing housing stock to minimum standards rarely exceeds \$15,000 per unit. Ongoing operating subsidies to owners are limited to interest forgiveness or conditional grants for a portion of the total cost. Clearly repairing and maintaining the existing stock is an efficient use of public and private resources.

(E) Independent Living Versus Institutional Care:

Support for rehabilitation and conversion is also cost effective for seniors and disabled persons. Costs for an institutional setting range from \$1,500 to \$6,000 per month depending on need and circumstances. By contrast, a one time loan of usually less than

\$15,000 allows seniors and disabled people to live independently. Seniors and people with disabilities who remain in the community save both the public and private large sums of financial resources. Many of the units located on Barton Street could be used for this purpose and would require a minimal of public investment. The concept of

independent living is a major thrust of the Provincial Government and should receive a favourable response from the Ministers of Housing, Health and Municipal Affairs.

(F) Residential Housing:

There is presently a severe shortage of housing designed for single residential occupancy (SRO's). The Barton Street corridor provides an ideal opportunity to provide a significant supply at a reasonable cost. The sites also would be scattered along the street and would automatically provide an integrated environment. The units which would be developed would also be in the area of greatest need; one bedroom self contained units. A recent study conducted by Social Services indicated more than 7,200 people were paying more than their shelter allowance for accommodation.

There was serious consideration given to using the fund for one or two mega housing projects, but this was rejected as being inappropriate. The spin off effects would have been minimal, and while the money would have been spent, it would not have resolved the commercial or existing residential problems in the area. It was therefore decided that a more innovative scheme had to be developed to address the streetscape from James Street to Kenilworth Avenue.

(G) Commercial Areas:

The small vacant commercial spaces must also be brought back onto the market and it is proposed this be done by providing rent subsidies through a Regional Development Corporation to encourage new businesses to locate in the area. Low interest loans for tenant improvements would also be made available to new as well as established businesses along the corridor. The money could be used to encourage development of a "theme" for the area.

As mentioned above, rehabilitation can help address both the physical and commercial problems of the area. For the ease of evaluation, the two aspects have been separated but it is acknowledged that one without the other will not work. These proposed programmes will provide only a stimulus; ultimate success or failure will depend on the willingness of owners, tenants and residents to accept the incentives as a risk well worth taking.

STRATEGY

As indicated in the introduction, the problems of Barton Street are multifaceted, therefore, the solutions must address several different areas at the same time. The

City must also proceed quickly in order to regain the confidence of both the owners and business people of the area. The City has made many overtures in the past few years, but because of economic restraints have been unable to implement many meaningful programmes.

It is proposed that the first areas to be tackled, within ten days of Provincial acceptance, would be the Business Improvements Area previously established and designated as a Community Improvement Area. This designation provides the Municipality the legal authority to provide loans and grants and undertake streetscape improvements. There are also mechanisms in place for immediate citizen participation through the B.I.A.

The vacancy rate of the ground floor commercial spaces within the Barton Street B.I.A. has risen to over 50%. Since property owners have had such difficulty in finding occupants for their ground floor commercial spaces, they have been allowing residential tenants to occupy the spaces with no structural changes to the units to accommodate this form of occupancy. This is in contravention of the present zoning by-laws. The majority of the B.I.A. is zoned for community shopping and commercial. The return of a viable economy in the Barton Street area depends largely on the occupation and retention of both the residential and commercial spaces. Structural and aesthetic renovations to the vacant units would greatly improve the chances of finding occupants. Moreover, both the private and public sector would be beneficiaries of any economic growth through job creation, increased consumer expenditures, and municipal tax revenue.

While the programmes outlined below will be implemented in the present B.I.A., the City's Planning Department should undertake the necessary planning studies including possible Land Use for the whole of Barton Street. Public Works can also initiate the designation of the balance of the street as a Community Improvement Area. As well, citizen groups should be formed to design plans and prepare for implementation of streetscape improvements. This would also provide lead time for the Economic Development Department to design a marketing strategy for the available commercial space. As indicated, during this phase, implementation would be taking place in the B.I.A. from the site office already established on Barton Street.

The early implementation stage, in the B.I.A., would also permit refining of the programmes should it be deemed necessary before "opening up" the various marketing options for the balance of the Street. It is also very important that a complete land use study be made on Barton Street to determine if the present zoning meets the need of the Community. It may be determined that the H Zoning is inappropriate for the entire area.

PROGRAMMES

Commercial

The Building Department through the Development Corporation formed by the Social Planning and Research Council will contact all the owners in the B.I.A., and request that they lease some of their empty commercial space for a five year period to the Development Corporation. The City will guarantee the rent payment to the Corporation which in turn will market the units to prospective new tenants. The tenants will be offered the space rent free, as well as low interest loans to a maximum of \$20,000 for tenant improvements. The loans for tenant improvements will be administered by the Building Department. We would also encourage applications from new business tenants for space they consider appropriate on Barton Street and who meet the requirements of the Programme. The improvement loan will be amortized over five years at 3% interest. The monthly payment on the maximum loan amount would be \$360 per month. The owner would also become a member of the B.I.A. It is recommended that if in the first phase approximately 20 vacant stores be leased. The loan of \$20,000 would also be made available to existing owners and/or tenants at the same interest rate and term.

In order to attract new business to the area it is recommended that the merchants develop a theme (art guilds, cottage industries, China Town, discount stores, etc.,) which would be implemented by new tenants. Initial discussions have been conducted with the Hamilton Arts Council and Hamilton Artists Incorporated. They are very enthusiastic about the concept and have already discussed the concept with their members. A meeting has been arranged for early January to discuss and obtain a feeling for both need and interest. As part of this concept we would also offer the opportunity for "cottage industries" to develop on Barton Street where the artisan would live and work at the same location. This concept will be developed further and appears to have great potential, not only for Barton Street, but also for the municipality. In this regard we would utilize the available expertise from the various Art Councils, as well as Social Planning and Research Council, Economic Development Department and the Chamber of Commerce.

This potential and obvious initial support from the Art Community would also be looked on favourably by several Provincial Ministries as they are looking for new employment opportunities and innovative solutions to economic recovery through job creation particularly in the area of creating new small businesses.

Once the rest of the Street has been designated and the necessary zoning changes in place the programme would be expanded to include other vacant commercial space outside the existing Barton B.I.A. It is anticipated that another 20-30 vacant commercial stores could be filled in this manner.

The advantages of this programme is that marketing the space would be taken from the owner and he would be guaranteed rental income. We could also help ensure a mix of business which meet the theme requirements while providing the new business tenants the option of financing improvements at a reasonable cost. The loans to tenants would be secured by promissory notes with liens placed on chattels. At the end of five years the loans would have been amortized and hopefully the businesses that survive will be able to make rental payments at that time. At the present time the space would rent for approximately \$350 per month, but extensive tenant improvement would be needed. Fledgling businesses presently have to secure loans and in today's market private entrepreneurs are having problems in obtaining credit.

The disadvantages are that there will almost certainly be some business failures along with a portion of the tenant improvement loan. We can also expect some complaints from other B.I.A.'s, as well as other commercial landlords throughout the City because this programme will not be available to them. It is our opinion, however, that without these financial incentives it will be impossible to establish a viable commercial area in the Barton Street corridor because the seriousness of the problems both physically and economically. If the programme proves successful, there is no reason why in future years it could not be expanded to other B.I.A.'s. There is no question that the most threatened area in Hamilton at the present time is Barton Street, and thus, our priority area. There is simply not enough money available to address all the B.I.A.'s and to dilute the Programme would in all likelihood means its failure on Barton Street.

Residential

The City will actively encourage all owners on the street to apply for assistance to rehabilitate their existing rental units. In cases where vacant space, suitable for conversion to apartments exists, grants and low interest loans will be offered. As previously indicated it can be clearly identified that there is a tremendous need for small, self contained units for single occupancy, and Barton Street presents an ideal location. While parking is limited, being located close to the core and on good public transit routes reduces the impact of this negative. The Traffic Department and Parking Authority have been asked to investigate other opportunities in the area. The Department will work closely with the Housing Help Centre and the Hamilton Housing Authority to create units that are both marketable and meet the social needs of our community. These programmes should also be supported by the Ministry of Housing as the social need of single person households is difficult to meet under current provincial programmes.

In situations where the owner is renting the commercial space to the Development Corporation, one of the requirements will be that if residential space exists, application for the residential component will be expected. The City will offer a combination of loan and grant of up to \$12,000 per unit for rehabilitation and in the case of conversion a larger loan portion of up to \$15,000 per unit is proposed. The

grant will be 50% of the cost and will be subject to continued ownership. The interest rate will be 3% on the repayable portion amortized over 15 years. The cost of borrowing will be less than \$100 per month even if the maximum loan is required.

As another aspect of the programme, we would not require the owner to make his first payment until the unit was rented. This incentive is needed in order to restore the landlords confidence in the area.

The vast majority of the existing residential units are one bedroom or bachelor type. It is expected that the programme would create or update a minimum of 120 units. We would also provide a referral service from Housing Help Centre, the Hamilton Housing Authorities waiting list as well as the Social Services Department.

The terms of the programme would require the applicant to remain owner for five years before he could sell without forfeiting his grant. In years, six through ten, he would earn the grant at 20% per year. The loan and grant portion could be transferred to a new owner at the end of five years, providing he agreed to retain the rental unit as well as the rental structure. If he sold within five years, the grant would be fully repaid, but the loan portion could be carried on providing the new owner agreed to the terms and conditions. The rents would originally be established through negotiations between the City and the owner and would reflect the municipal contribution. Any rent increase during the fifteen years would have to fall within provincial guidelines and/or be approved by the City. The loan and grant would be secured by a lien registered on title. This procedure will help ensure that owners don't accept the government funding and sell the units on the market at an "inflated price" based on the rehabilitation grants. The City would also ensure that the value of the mortgages on the buildings plus our liens would reflect the market value of the building after the rehabilitation or conversion work was completed.

The combination of these two programmes, plus the assurance of commercial occupancy should provide sufficient incentive for owners to willingly participate in the programme. As with all loan programmes, the properties would be inspected and the owner would receive a list of required work. The owner would then obtain two estimates and they would be reviewed before final documentation was signed. In cases of business tenant improvements, two estimates would be needed and they would be checked to ensure fairness of price. All work would be inspected prior to the issuance of payment. The cheques would be issued in the names of the owner and contractor and sent to the owner.

Reports with a recommendation on all individual loans and grants would be sent to Planning and Development Committee and City Council for approval. The Department would also carefully monitor the programme to ensure goals are being met and the various target groups were being served. As with other repayable programmes the repayments will be monitored to ensure all commitments were being met.

It is further proposed that as soon as the Province approves the project that a steering committee be established made up of Barton Street proprietors from both inside and outside the B.I.A., as well as landlords, tenants and the Aldermen whose wards are dissected by Barton Street. The Committee would also include representation from the various departments providing input into redevelopment. This steering committee would address implementation issues, including streetscape improvements.

FEES

It is important that the City takes the lead role in the redevelopment of Barton Street and also that we clearly demonstrate to the community our commitment to the success of the project. It is therefore recommended that both the City and Region waive all development charges. In addition, it is proposed that the City waive building permit fees, Committee of Adjustment fees, site plan fees, and charges under the Housing Development Act. This will require co-operation from the Regional Finance Committee and it is proposed that a submission will be made to them as soon as the Province grants approval to use the Trust Fund Account. In order to encourage completion of the projects it is proposed that the fees be collected and then reimbursed to the applicant upon completion of the project.

STREETSCAPE IMPROVEMENTS

Phase One

Barton Street B.I.A., Wellington to Wentworth Streets

The Public Works Department, Community Renewal Staff, will undertake a condensed public participation process with members of the Barton Street B.I.A. to identify priority streetscape improvements. Streetscape possibilities worth considering include:

- burial of overhead wires
- ornamental lighting and security lighting
- creation of pedestrian nodes/pause areas i.e. parking with pod areas/widening of sidewalks
- acquisition for green open space
- speciality paving
- benches
- trees
- litter containers
- banners and ornaments
- planters
- pedestrian barriers
- wheelchair ramps
- splash guards

An upset limit of \$1,000,000 will be spent on Phase One streetscape improvements on public owned property within the boundaries of the Barton Street B.I.A.

Phase Two

Barton Street between James to Wellington and Wentworth to Kenilworth Avenue

Phase Two of the proposed streetscape improvements will take place on Barton Street from James Street to Wellington Street and from Wentworth Street to Kenilworth Avenue. Staff from Community Renewal, Public Works Department will again undertake a public participation process with local business owners, residents of the surrounding neighbourhood, local industries, absentee landlords and non-profit agencies.

Streetscape elements worth considering for Phase Two are as identified for Phase One with the exception of the burial of overhead wires, as this item would prove too costly for this large area. An upset limit of \$1,000,000 will be spent on streetscape improvements on publicly owned property within Phase Two.

Administration Costs

In the present economic climate it is not possible to expect City Departments to provide the necessary staff time free of charge. It is therefore proposed that 10% or \$700,000 be set aside for administrative costs. These would help defray the services provided by Treasury, Law, Public Works, Planning, Real Estate and Economic and Development.

It is also proposed that each loan applicant would be charged 6% of the gross loan amount. This would be an eligible expense and would form part of each loan application. It is expected that this would generate approximately \$275,000 in revenue and would not include Building Permit fees.

Programme Costs - Commercial

| | |
|---|------------|
| Phase I (B.I.A.) Commercial (Rental of space) | |
| 20 owners (approximately 30 units at \$300/mo.) | |
| this is based on 1000 sq. ft. | |
| 30 Units x 300 x 60 months = | \$ 540,000 |
| Phase II (Balance of Area) Commercial (Rental of space) | |
| 20 owners (approximately 30 units at \$300/mo.) | |
| 30 Units x \$300 x 60 months = | \$ 540,000 |
| Phase I (B.I.A.) Commercial Rehabilitation | |
| 50 units at \$10,000 = | \$ 500,000 |
| Phase II Balance of Area | |
| 50 Units at \$10,000 = | \$ 500,000 |

Programme Costs - Residential

| | |
|--|------------|
| Phase I - B.I.A. Rehabilitation of Residential | |
| 50 Units at \$7,000 = | \$ 350,000 |
| Phase I - B.I.A. Conversion | |
| 15 Units at \$15,000 = | \$ 225,000 |
| Phase I - Balance of Area | |
| 100 Units at \$7,000 = | \$ 700,000 |
| 20 Units at \$15,000 = | \$ 300,000 |

Total cost of Commercial and Residential Programme = \$4,375,000*

- * This total includes approximately \$1.7-million which will be repaid over 15 years at 3% and reinvested in rehabilitation programme.

Programme Costs - Streetscape

| | |
|------------------------|----------------------------|
| Streetscape - Phase I | \$1,000,000 |
| Streetscape - Phase II | \$1,000,000 |
| Administration | \$ 100,000 |
| Rehabilitation | \$4,375,000 |
| Total | <u>\$6,475,000*</u> |

- * Includes reinvestment of loans.

Summary:

Barton Street has both traditionally and historically been a major link between our industrial backbone and our commercial and residential areas. This street must be improved and for that reason we have proposed this comprehensive programme. The problems can not be left to private enterprise alone and municipal support both financially and morally must be provided. It must be demonstrated to the community that this area matters and that we are prepared to invest in its future.

The Ontario Home Renewal Programme Trust Account, while not specifically allowing for use of the funds in the manner outlined, it certainly does meet the philosophy of preserving the existing stock and providing decent affordable housing. On first review, seven million dollars looks like a huge investment, but the problems are many and the area is extensive. It also should be noted that more than half of the investment is in loans which will be returned to City for possible investment on similar programmes for other areas of the City. The immediate concern is Barton Street and for that reason we are recommending that the total fund be funnelled in that direction in order to maximize the impact and to help ensure success.

SCHEDULE A

THIS IS A BRIEF SYNOPSIS AND FOR A MORE DETAILED DESCRIPTION SEE REPORT TO THE PLANNING AND DEVELOPMENT COMMITTEE DATED JANUARY 4, 1994.

Commercial:

The Building Department, working through a Development Corporation formed by the Social Planning and Research Council will provide seed money to rent existing vacant commercial space.

Monies in the form of low interest loans (3%) would be provided by the City for tenant improvements (maximum of \$20,000 per business).

Security will be provided whenever possible to protect City interests.

Residential:

Low interest loans and grants would be provided for rehabilitation, and in cases of vacant space, conversion. The maximum combination of loan and grant, per unit, would be \$15,000 with the grant being 50%. The City would also establish maximum rent which could be charged.

Owner occupants would also be eligible for the same assistance with municipal protection should units become rental.

Fees:

All redevelopment fees would be waived including Building Permits, and Committee of Adjustment. \$100,000 has been set aside for consultant fees, but if not needed will be used to implement programmes.

Streetscape Improvements:

Streetscape improvements will be undertaken after public consultation with business community.

Initial budget of one (1) million dollars for Phase I, which would involve existing B.I.A.

Phase II would be implemented once the areas designated as Community Improvement and necessary input retrieved.

Study to be made to determine feasibility for business theme.

7.

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 January 19

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the Planning & Development Committee Meeting of 1993 December 8.

B. DIRECTOR OF PUBLIC WORKS

- (a) Concession Street B.I.A. Revised Board of Management.
- (b) Concession Street B.I.A. Proposed Budget and Schedule of Payments for 1994.
- (c) Phase IV of the Downtown Action Plan; Public Service Announcement Competition.

C. SENIOR DIRECTOR, ROADS DEPARTMENT

Amendment to Draft Plan Conditions for Application 25T-92008 "Sheldon Estates" Subdivision.

D. BUILDING COMMISSIONER

- (a) Hamilton Emergency Loan Programme -
 - i 108 Simcoe Street
 - ii 50 East 36th Street.
- (b) Facade Loan Programme Loan Increase - 294 Ottawa Street North.
- (c) **Demolition Permits:**
 - i 63 Crooks Street
 - ii 27 Comet Avenue
 - iii 1305 Golf Links Road
 - iv 1315 Golf Links Road
 - v 110 Dartnall Road

E. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) i Rezoning Application 91-60 - No. 164 Mount Albion Road.
- ii Draft Plan of Subdivision "Kemp Estates".
- (b) Revised Plan of Subdivision "Wisemount Estates" (formerly "Wisemount Forest Survey, Phase 3), 25T-83004, Hamilton.
- (c) Zoning Application 93-34, Dr. A. Tartaglia, prospective owner, requesting removal of the "H" District, for lands located at No. 682 Upper James Street; Bonnington Neighbourhood.

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items.

A.

Wednesday, 1993 December 8
9:30 o'clock a.m.
Council Chambers, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Mayor Morrow
Alderman M. Kiss
Alderman D. Wilson
Alderman B. Charters
Alderman Wm. McCulloch
Alderman H. Merling
Alderman F. D'Amico

Also Present: Alderman D. Ross
Alderman D. Agostino
Alderman V. Agro
Paul Mallard, Planning Department
Joanne Hickey-Evans, Planning Department
Bill Janssen, Planning Department
Eugene Chajka, Roads Department
Peter Lampman, Building Department
Roland Karl, Traffic Department
Art Zuidema, Law Department
Mike Watson, Property Department
Hazel Milsome, Community Renewal, Public Works Dept.
Tina Agnello, Secretary

1. **Amendment to the Official Plan and Zoning Application 93-31, Investland Corporation Limited, owner, for a modification to the established "JJ" District (Block "1") and "KK" District (Block "2") regulations, for lands located at No. 8 Burford Road; Grayside Neighbourhood**

Paul Mallard explained that the request is for an Official Plan Amendment and a Zoning Modification in the Old Firestone Building on Burford Road. He explained that 7% of the site will be landscaped. The Ministry of the Transportation and the Roads Department have recommended that a traffic impact study take place.

The Planning Department recommends a holding provision subject to the completion of the traffic impact study and there are to be assurances that it is a retail warehouse operation.

Of notices sent 12 were in favour and 3 were opposed.

Submissions were received by:

- (a) Jack Scholtens, President, Triple-C-Inc., 8 Burford Road, Hamilton
- (b) Charles J. Kasner, 101 Duncan Mill Road, Suite 408, Don Mills
- (c) Karen Fraser, CN North America, 277 Front Street West, Suite 503, Toronto

Dennis Young was present on behalf of the applicant.

Jack Scholtens, President of Triple-C-Inc., was also present. He submitted a letter to the Committee and gave a formal presentation. He advised that he has been a tenant for 10 years and he is in opposition to the proposal because the land is industrial and its not in the City's interest to change the zoning on a piece meal basis. He also stated that the property should not be rezoned to accommodate more retail space. He was concerned that traffic would be affected and that the change in the nature from Industrial to retail would affect his operation since he has a great deal of truck traffic on the premises.

Bruce Law of the Legal Firm, Chambers and Company was present representing a client who is a leading manufacturer in Hamilton. He was speaking in objection to the proposal. He stated that the warehouse is currently under power of sale and his client is interested in purchasing the building. He is concerned that a major manufacturing warehouse building is being converted into retail. In his opinion this is sending the wrong message to the business community.

Mr. Dennis Young stated that he is aware of Tripple-C's concerns and of the potential increased traffic and for this reason they have agreed to conduct a traffic impact study. He also stated that he is not aware of other purchasers interested in using the present buildings and that Investland Corporation Ltd. has an option on the property. He also advised that three major companies will be using the three proposed buildings.

The Mayor stated his opposition to the application. He believes that the impact on the economy will be negative. He also stated that it should remain an industrial warehouse and if it becomes retail it may be damaging to other retail facilities in the City. He is not in favour of taking any use away from the existing industrial base.

Alderman Merling concurred and stated that application is premature in light of no traffic study having been completed.

Alderman Eisenberger questioned the interest in purchasing the property after it being vacant for many years. He suggested that the intersection of Grays Road and Barton Street be included in the impact study.

Contrary to the recommendation of the Commissioner of Planning and Development dated 1993 November 29 the Committee recommended to Council as follows:

That Zoning Application 93-31, Investland Corporation Limited, prospective owner, for a an amendment to the Official Plan to establish a new Special Policy Area to permit "retail warehouses" within the Industrial designation and to prohibit access from the subject lands onto South Service Road, and for a modification to the existing "JJ" (Restricted Light Industrial) District regulations (Block "1"), and "KK" (Restrict Heavy Industrial) District regulations (Block "2"), to permit retail warehouse(s), on lands known as 8 Burford Road, as shown on the attached map marked as Appendix "A", be denied for the following reasons:

- (a) it would result in the loss industrially zoned and designated lands which is undesirable; and,
- (b) it is considered premature in the absence of a traffic impact analysis.

2. Amendment to the Official Plan and Zoning Application 93-28, Hamilton-Wentworth Roman Catholic Separate School Board, prospective owner, for a change in zoning from "J" District, modified to "DE-3" District, modified, for lands located at No. 30 Wentworth Street North (formerly known as 687 King Street East); Gibson Neighbourhood

Submission was received by P. J. Daly, Chairperson of the Hamilton-Wentworth Roman Catholic School Board, 90 Mulberry Street, Hamilton.

Paul Mallard advised that the application is a request for an Official Plan Amendment and a change in zoning from industrial to residential for a secondary highschool. The highschool will facilitate 1,200 students and 85 staff. There will be a daycare for approximately 30 - 35 children. An adequate number of parking spaces will be provided on site.

The Traffic Department has requested a four metre layover but a compromise has been reached wherein the situation will be monitored for a period of two years after which time the Traffic Department may request layover to be provided. As such the application is being recommended with this amendment to the site.

Of the notices sent 32 people have replied in favour and 2 have replied as opposed.

Terry Johns and Tony Cupido were present on behalf of the School Board.

In response to a question from Alderman Charters, Paul Mallard explained that the DE-3 zoning is consistent with residential zoning which allows school use.

The Committee recommended to Council the recommendation of the Commissioner of Planning and Development dated 1993 December 1 as amended as follows:

- A. That approval be given to Official Plan Amendment No. 122 to redesignate lands municipally known as 30 Wentworth Street North from "COMMERCIAL" and "RESIDENTIAL" to "MAJOR INSTITUTIONAL" and delete Special Policy Area 15, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- B. That approval be given to Zoning Application 93-28, Hamilton-Wentworth Catholic Separate School Board, prospective owner, for a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District, modified to "DE-3" (Multiple Dwellings) District, modified to permit a secondary school with ancillary day nursery, for the property located at 30 Wentworth Street North, as shown on the attached map marked as Appendix "B", on the following basis:
- (a) That the subject lands be rezoned from "J" (Light and Limited Heavy Industry, etc.) District modified to "DE-3" (Multiple Dwellings) District;
 - (b) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - i. That notwithstanding Section 10C(3)(i)(b) of Zoning By-Law No. 6593, a minimum front yard depth of 6.0 m (20'-0") shall be provided and maintained, except a minimum front yard depth of 4.26 m (14'-0") shall be provided and maintained for the Chapel;

- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1324, and that the subject lands on Zoning District Map E-22 be notated S-1324;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-22 for presentation to City Council;
 - (e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 122 by the Regional Municipality of Hamilton-Wentworth;
 - (f) That the Gibson Neighbourhood Plan be amended by redesignating the subject lands from "INDUSTRIAL", "MEDIUM DENSITY APARTMENTS", and "COMMERCIAL AND APARTMENTS" to "CIVIC AND INSTITUTIONAL".
- C. That final Site Plan Approval be withheld until notification is received from the Ministry of Environment that the decommissioning process has been satisfactorily completed.
3. **Proposed Walkway Closure between 61 and 62 Harbottle Court and Block 108 between Lots 9 and 10 - Draft Plan Orchard Park Estates; Gourley Neighbourhood**

There was no one present opposed to the road closure. Various residents were present in favour of the closure.

Alderman Charters requested that Planning Staff contact the schools in the neighbourhoods with regard to any comments they may have before this recommendation goes to Council.

As recommended by the Commissioner of Planning and Development in a report dated 1993 November 29 the Committee recommended to Council as follows:

- (a) That the Gourley Neighbourhood Plan be amended to delete the Walkway designation.
- (b) That the Region be requested to amend a condition known as "Clause A Block 108" in the Orchard Park Estates Draft Plan of subdivision to delete the proposed walkway.
- (c) That the closure and disposal of the walkway between 61 and 62 Harbottle Court be referred to the Transport and Environment Committee for implementation.

4. Zoning Application 93-17, Latco (1986) Developments Limited, owner, for a further modification to the "E" District regulations, for lands located at No. 85 Robinson Street; Durand Neighbourhood

Submissions were received by the following:

- (a) Frederick T. J. Potter, 904-92 Robinson Street, Hamilton dated 1993 September 13
- (b) Frederick T. J. Potter, 904-92 Robinson Street, Hamilton dated 1993 November 24
- (c) E. J. Fothergill per Latco Developments, 135 James Street South, Hamilton
- (d) Petition - Various residents on Herkimer and Park Street South, Hamilton
- (e) F. H. Brennian, 39 Duke Street, Level 1, Hamilton
- (f) Patricia J. Baker, 43 Duke Street, Unit 2, Hamilton
- (g) Frances & Peter Flaherty, 49 Robinson Street, Suite 401, Hamilton
- (h) Leo B. Millar, 49 Robinson Street, #600, Hamilton
- (i) Dr. Stephen Lloyd, 39 Duke Street, Unit 3, Hamilton
- (j) Marvin R. Sheppard, President, Durand Neighbourhood Assoc., 104 Aberdeen Avenue, Hamilton
- (k) Mark E. Skuse, 3-41 Duke Street, Hamilton
- (l) W. B. Duncan, 85 Charlton Avenue West, Hamilton
- (m) Delores Marks, 92 Robinson Street, Apt. 703, Hamilton

Paul Mallard advised that the applicant proposes to erect 2-10 storey multiple dwellings and to retain a portion of the present building.

One of the multiple dwellings will contain a daycare centre for up to 40 children and 235 parking spaces will be provided on site.

Paul Mallard advised that in 1988 a residential retirement community was approved for this site for buildings similar in nature that which is being presently proposed. A public meeting was held in September of 1993 at which time many concerns were raised by the surrounding neighbourhood residents including parking, daycare, traffic and assisted housing.

He advised that this property is located between a high density area in the north and a lower density residential area in the south. He also advised that the bulk scale of this development is not compatible with the south, east and west areas and that it will not be in scale especially with Robinson Street.

He stated that a 2.8 times lot area is being proposed whereas a ratio of 1.7 times the lot area is permitted for apartment development in the E-District. He reiterated that the retirement building which was previously approved can be built.

On the basis of overintensification the Planning Department is recommending denial of the project.

Of 1,364 notices circulated 22 people responded in favour and 90 were opposed.

Herman Turkstra was present on behalf of the owner. He stated that the recommendation is basically the same as that in 1988 and that the height, shape and size of the building have not changed. He also stated that 25-30 parking spaces are being provided beyond the requirements of the by-law.

Mr. Fothergill a Planner on behalf of the applicant was also present he distributed an aerial photo of the building super imposed into the area. He stated that the building has been approved but is no longer viable in the market as a seniors building. The owners have found two other user groups in the community being affordable housing and French Seniors' community. He said that staff states that uses are different from the previous application and therefore the impacts will be different but he states that he is not in agreement with this.

With regard to the impacts, Mr. Fothergill stated that the Traffic Department agrees that the Traffic can be accommodating. The parking is also accommodating. The Schools have comments or objections and the applicants have met with the School Boards and the School Boards are satisfied that they can accommodate the students. Regarding social services, he stated that they support the proposal. The developer is looking at a change in use because he has identified a change in need.

There will be three ownerships and by-law setbacks and easements to be required for aboveground and underground can be addressed in a site specific by-law. As such the entire proposal has merit.

Mr. Turkstra added that the only difference in this proposal from the original seniors proposal is that it will accommodate affordable housing.

Michael Kelly a specialist in Cultural and Social Planning was present. He stated that he has done a social analysis report comparing the profiles of the potential residents of this proposed development to the surrounding neighbourhood.

He said that while the characteristics of the social economic status of the people proposed to be living in this development is consistent with the northern and central area in which it is located varies from the southern section of the neighbourhood in that the southern section has younger families and with children and with a higher family income.

He also stated that there will be a high proportion of single parent families in this development but this is characteristic of the central area in which it is located.

Ms. Adrian Long was present. She conducted a traffic impact analysis and stated that the conclusions indicate that the road and network can accommodate the people proposed to live in this development.

Richard Petty, a Housing Specialist was present. He stated that non-profit housing is rental housing, it is not all subsidized. He showed the Committee drawing of three projects in Toronto which are non-profit housing buildings. He stated that the management of this non-profit building will either be in the hands of the Kiwanis or another private management company in the Hamilton-Wentworth Region.

Mr. Roger Paquette, Chairperson, Centre D'Accueil de Hamilton-Wentworth Inc. was present. He was present on behalf of French-Canadian Seniors Community who wishes to inhabit one of the buildings which is being proposed. He stated that the area is good for the residents in that it is close to the central business district and the french community and all other amenities. He asked a number of residents from the French Community to stand.

Bill Bain and Jim Price of the Hamilton East Kiwanis was also present. Mr. Price stated that the Kiwanis Association has been providing social services in the Community for 17 years. He stated that this site is important in that it provides affordable housing for many people. He stated that his continued support for this development.

Mr. Turkstra stated that there are various buildings within the vicinity ranging from 17 stories to 7 and 8 stories in height. He questioned whether any affordable housing can be built in the Durand Neighbourhood.

Marvin Sheppard of 104 Aberdeen Avenue, President of the Durand Neighbourhood gave a brief presentation. He stated that he has a major concern with regards to the density of the proposed project and stated that the project has potential for accommodating 766 people.

He explained that the Durand Neighbourhood is concerned with the existing conditions of lack of resident parking, proximity to the hospital and people who use that facility which use parking, Thistle Club parking and traffic safety and traffic flow.

He stated that the use is now changed and will accommodate more people and as such there will be a large effect on the surrounding neighbourhood. He said that the package the developers are proposing is the same envelop but entirely new plans and as such the Durand Neighbourhood opposes the request.

Helene Fallen of 265 MacNab Street South and the New Chairperson of Durand Neighbourhood Association was also present. She reiterated that the development is too big and too busy to fit into the scale of the Durand Neighbourhood. She also stated that they want to keep the historical nature of the this downtown neighbourhood. She stated that she empathizes with the french seniors group who is having problems finding community building to locate into and that the Durand Neighbourhood has apologized to the French Community for comments made in the past. Ms. Fallen said that the Durand Neighbourhood does welcome seniors but that this development is of a different scale.

Henry Board a Durand resident submitted a petition opposed to the development.

John Horvath of 92 Robinson Street also stated his objection.

As did Delores Marks of 92 Robinson Street Apt. 703. Ms. Marks added that she would like the integrity of the neighbourhood maintained.

Grant Head who lives in the Durand Neighbourhood for the past 25 years is not in favour of this high density proposal.

Susan Peacock of Lakeshore Road in Oakville and owner of property located in the Durand Neighbourhood, John Young of 327 Bay Street South and Lori Conan of 75 Bay Street South were also concerned with regard to the density of this development and the impact on municipal services such as sewers and watermaines.

John Pigeon of 126 Charlton Avenue West also submitted a petition signed by people opposing the development.

Gerard Gillon, who lives in a home in the north area and was president of Central Public School was also present in opposition to the development. He stated that the Durand Neighbourhood has embraced a wide variety of groups including halfway houses and houses for people with mental illnesses. He also stated that he is a member of the Thistle Club. It is his belief that the Durand Neighbourhood can not take in any more influx of people since he believes gettoization may occur.

Bruce Duncan of 85 Charlton Avenue West and a resident for 49 years as mainly concerned with density problems, traffic effect on city services, garbage and waste and also police services.

Mr. Turkstra stated that there would be an increase in population from this proposal to the previous one but he is concerned about the link between that is being made between non-profit housing and halfway houses and also gettoization.

He stated that the community has changed and there are different needs and non-profit housing is one of the types of needs which should be addressed.

Alderman Agro stated his opposition to the proposal. He believes that the integrity of the neighbourhood should be maintained and that the proposal is a violation of everything that has been done to preserve the Durand Neighbourhood.

Alderman McCulloch concurred and added that there are three times as many people living in this neighbourhood as any other neighbourhood in the City. He stated that the density is much too high for this development in this area and that other neighbourhoods would welcome non-profit housing with open arms.

In response to a questions from Alderman Wilson, Paul Mallard advised that the difference the 1988 application and this one presently before the Committee is that the previous application was for a low density retirement community and this is for high density apartment units.

Alderman Wilson suggested tabling the matter in order to attempt to reach a compromise.

Alderman Eisenberger questioned the amount of apartments and the exact numbers of people to be housed in these buildings.

Mr. Turkstra advised that as long as there is no complete redesign of the building that there can be some compromise reached. Height is negotiable but not the footprint of the building.

Following discussion the Committee moved to **TABLE** the report of the Commissioner of Planning and Development dated 1993 October 11 in order to allow negotiations between the applicant and representatives of community residents and the Planning Department. A report is to come back to the Committee at the first February 1994 meeting.

5. DIRECTOR OF PUBLIC WORKS

1994-2003 Provisional Capital Budget: Community Renewal Section, Public Works Department

As recommended by the Director of Public Works in a report dated 1993 December 2 the Committee resolved as follows:

That the capital projects attached hereto as Appendix "C" from the Public Works Department be included in the ten year 1994-2003 Provisional Capital Budget to be reviewed and recommended by the Management Team for consideration of the Committee of the Whole and City Council.

6. COMMISSIONER OF PLANNING AND DEVELOPMENT

(a) **Zoning Application 93-38, removal of "H" (Holding) symbol - 796 Upper Gage Avenue**

As recommended in a report dated 1993 November 30 the Committee recommended to Council as follows:

That approval be given to Zoning Application 93-38, P.X. Dermody Funeral Homes, lessee, requesting removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit a funeral home within the existing building, and that the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 93-096, and Zoning District Map E-38 for presentation to City Council, for lands located at No. 796 Upper Gage Avenue, as shown on the attached map marked Appendix "D". The 'H' (Holding) provision was placed on the lands until such time as the applicant/owner applied for and received approval of a Site Plan.

(b) **Capital Budget Submission from Local Planning Branch Acquisition Program - Alpha East Enclave**

A brief discussion ensued with regard to the completion of the purchases of land in the Alpha Enclave.

Bill Janssen advised that all other projects have been put on hold and that this is being completed because the purchases of properties in this enclave created empty pockets within the industrial area.

As recommended in a report dated 1993 November 30 the Committee recommended to Council as follows:

(a) That the capital project for the Local Planning Branch, in the amount of \$1,145,000. for the Property Acquisition Program - Alpha East Enclave, attached hereto as Appendix "E" be considered for inclusion in the ten year capital budget.

(b) That the capital project be reviewed by Management Team (Capital Budget Sub-Committee) for consideration of the Committee of the Whole and City Council.

(c) **City of Hamilton Response - Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan**

Alderman Merling questioned that if any Public Meetings have taken place since November with regard to the Official Plan.

Joanne Hickey-Evans advised that there have been community open houses throughout area and that a Regional Public Meeting will be held 1993 December 13 to discuss this matter and the recommendation of the City Council.

Alderman Merling requested that this item be tabled to the first meeting in February 1994 to give the Committee time to consider the recommendations.

The Committee resolved to **TABLE** the report of the Director of Local Planning dated 1993 November 30 to the first meeting in February 1994.

7. ADVISORY COMMITTEE ON GO TRANSIT

Proposed GO Transit, Victoria Avenue Layover Yard - Comments on Final Report

As recommended by the Advisory Committee on GO Transit in a report dated 1993 December 1 the Committee recommended to Council as follows:

- A. That the Minister of Environment and Energy and GO Transit be advised:
- (a) That GO Transit's October, 1993 report on the proposed Victoria Avenue layover yard should be considered to be inadequate in addressing a number of major concerns, in particular that the transitory (moving) noise source approach used to analyze noise impacts for the proposed layover yard is considered inappropriate, and that the stationary noise criteria should be applied;
 - (b) In addition, the City is undertaking noise studies for the proposed Victoria Avenue layover yard and the Canada/Hunter Street Cut, and that they be requested to consider the findings from these studies in their review of the layover yard;
 - (c) That the overall analysis for the proposed Victoria Avenue layover yard is considered inadequate, since it considers only noise impacts, and not the broad range of other concerns, which include effects on property values, air pollution, vibration, loss of Escarpment views, shadows (loss of sunlight), incompatibility with neighbourhood character, and other issues of major concern;
 - (d) That the adequacy of the process for public participation in the study is in question, since the residents of the Stinson Community were not notified of the proposed yard during the preparation of the E.A.;
 - (e) That the previous resolutions of City Council on this matter, arising from their meeting of 1993 July 27 and other comments made by citizens during the review process, should be addressed prior to a final decision being made on the layover yard.
- B. That the Minister of Environment and Energy and GO Transit be provided with a copy of the report as presented to the Planning and Development Committee.

8. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The Minutes of the Planning & Development Committee meeting of 1993 November 24 were approved as circulated.

THE COMMITTEE RECOMMENDED TO COUNCIL VARIOUS RECOMMENDATIONS AND REPORTS AS FOLLOWS:

B. DIRECTOR OF PUBLIC WORKS

- (a) International Village, B.I.A. Proposed Budget and Schedule of Payments for 1994 dated 1993 November 25:
- (a) That the 1994 operating budget of the International Village B.I.A. attached hereto as Appendix "F" be approved in the amount of fifty-three thousand, two hundred and six dollars (\$53,206.); and,

- (b) That the City Treasurer be hereby authorized and directed to prepared the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1994 budget as referenced in (a) above; and,
- (c) That the following Schedule of Payments for 1994 be approved.

| | |
|------------|-----------|
| January 01 | \$26,603. |
| October 01 | \$26,603. |

NOTE: 1993 Levy Arrears will be deducted from the two payments for 1994.

- (b) **Ottawa Street B.I.A. Proposed Budget and Schedule of Payments for 1994 dated 1993 November 25:**

- (a) That the 1994 operating budget of the Ottawa Street B.I.A. attached hereto as Appendix "G" be approved in the amount of forty-three thousand, eight hundred dollars (\$43,800.); and,
- (b) That the City Treasurer be hereby authorized and directed to prepared the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1994 budget as referenced in (a) above; and,

- (c) That the following Schedule of Payments for 1994 be approved.

| | |
|------------|-----------|
| January 01 | \$21,900. |
| June 01 | \$10,950. |
| October 01 | \$10,950. |

NOTE: 1993 Levy Arrears will be deducted from the three payments for 1994.

C. BUILDING COMMISSIONER

- (a) **Demolition Permits dated 1993 November 29**

That the Building Commissioner be authorized to issue demolition permits for:

- (a) 114 Glennie Avenue
- (b) 819 Upper Paradise Road

- (b) **Commercial Loan Programme**

- i. **1031 King Street West dated 1993 November 26:**

That a Commercial Loan in the amount of thirteen thousand and ten dollars (\$13,010.) be approved for 1018067 Ontario Limited. The interest rate will be 2 3/4 percent amortized over ten years.

- ii. **1047-1053 King Street West dated 1993 November 26:**

That a Commercial Loan in the amount of thirty four thousand, four hundred and twenty-one dollars (\$34,421.) be approved for 919696 Ontario Limited. The interest rate will be 2 3/4 percent amortized over ten years.

(c) **Hamilton Emergency Programme - 27 Glen Valley Drive dated 1993 November 26:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of six hundred and forty-six (\$646.) be approved for Salvatore Romano, 27 Glen Valley Drive. The interest rate will be 8 percent amortized over 5 years.

(d) **Facade Loan Programme Increases: 201 Ottawa Street North dated 1993 Nov. 26:**

That a loan increase of \$2,286. be approved for Mr. D. Kwiatkowski, 201 Ottawa Street North under the Commercial Loan Program. The total loan is now \$11,741.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

The Committee moved to receive for Information purpose the following items which were previously forwarded to the Members of the Committee under separate cover:

- (a) Alderman D. Drury Re: Lynda Morris - MacNab Street Underpass and New GO Station dated 1993 November 17
- (b) Director of Public Works: Revitalization of Barton Street dated 1993 November 26.
- (c) Commissioner of Planning and Development Re: Approved Site Plan Control Applications dated 1993 November 30
- (d) Commissioner of Planning and Development Re: Mobile Signs dated 1993 November 30
- (e) Building Commissioner Re: Housing Intensification Strategy - Provision of Separate Utilities dated 1993 December 1
- (f) Building Commissioner Re: Construction Activities for the 10-month period ending 1993 October 31.

9. CONFIDENTIAL AGENDA

The Committee adjourned into closed session to discuss a personnel matter and reconvened immediately thereafter with no report.

10. OTHER BUSINESS

None.

11. ADJOURNMENT

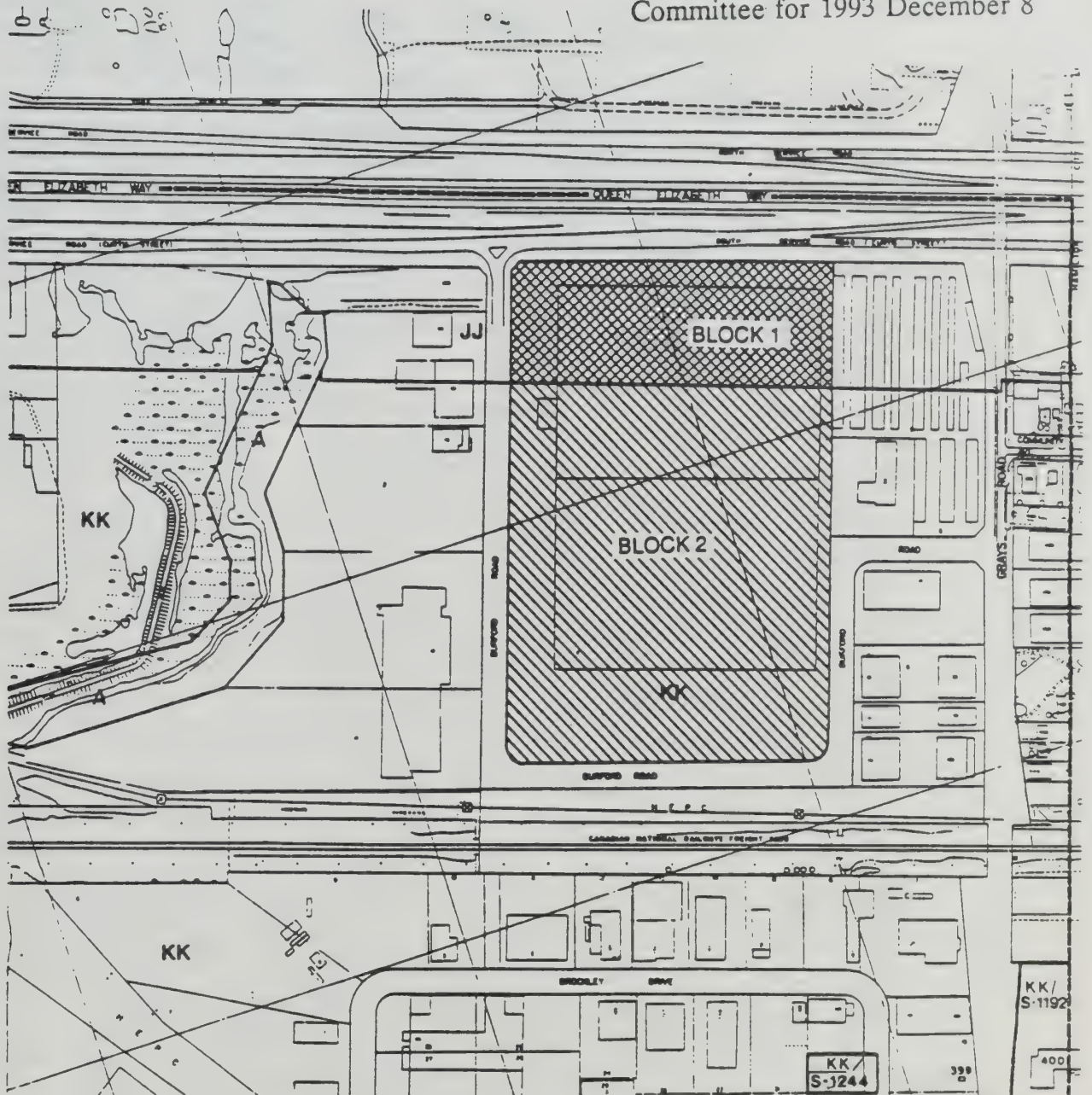
There being no further business the Committee Meeting adjourned.

TAKEN AS READ AND APPROVED,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**



Tina Agnello
Secretary

Appendix "A" as referred to
in Section 1 of the minutes
of the Planning and Development
Committee for 1993 December 8



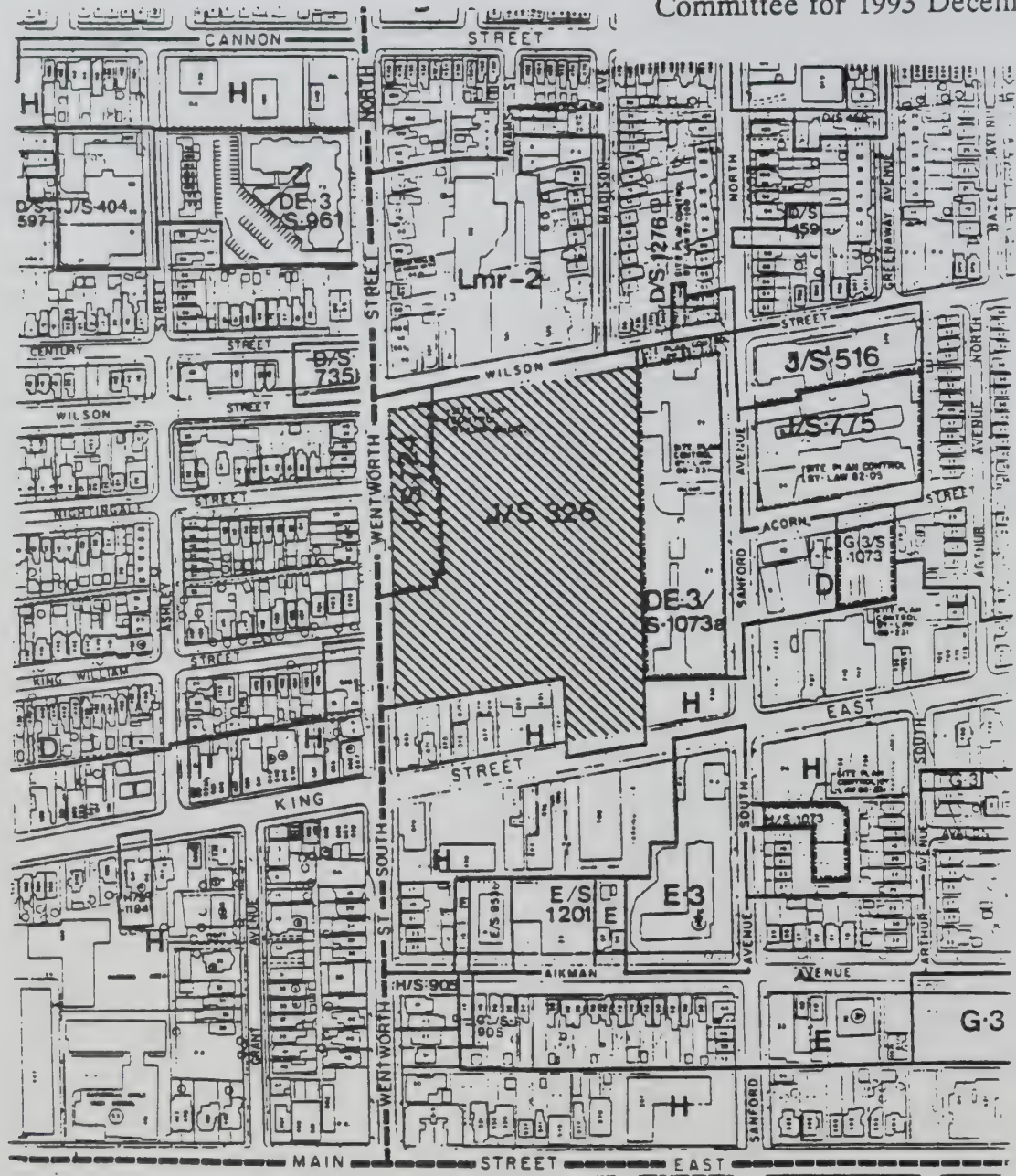
LEGEND

Proposed Modification to the:

- Block 1  "JJ" (Restricted Light Industrial) District regulations
- Block 2  "KK" (Restricted Heavy Industrial) District regulations


ZAR-93-31

Appendix "B" as referred to
in Section 2 of the minutes
of the Planning and Development
Committee for 1993 December 8



Legend



Site of the Application



ZAC-93-28

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1994-2003 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Crown Point East/McAnulty Phase I
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
This is the first phase of a two-phase project which will include improvements to both hard and soft services addressing residential, commercial and industrial needs of the neighbourhood. In Phase I, stress will be placed on the McAnulty Priority One Park located at Holly and McAnulty Boulevard. Phase II will place more emphasis on the recreational/residential needs of the Crown Point East Neighbourhood.
4. DEPARTMENTAL PRIORITY ORDER: 1
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT _____
 - (b) HARD SERVICE X
 - (c) SOFT SERVICE X
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) X
 - (b) HEALTH/SAFETY/ENVIRONMENT X
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) X
 - (e) ECONOMIC DEVELOPMENT _____
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR X
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) X
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) _____
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): _____
 - (b) GROSS COST \$ _____
8.
 - (a) PROJECT STARTING DATE (MONTH-YEAR) January 1994
 - (b) PROJECT FINISHING DATE (MONTH-YEAR): December 1994
9.
 - (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 532,000.
 - (b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy Jobs Ontario -
and describe) Community Capital \$ 132,000.
 - (c) LESS OTHER RECEIPTS (Specify): _____ \$ _____
 - (d) NET CITY'S COST: \$ 400,000.
10.
 - (a) YEAR OF EXPENDITURE:

| | |
|-----------------------|-----------------|
| - 1994 \$ <u>400.</u> | - 1999 \$ _____ |
| - 1995 \$ _____ | - 2000 \$ _____ |
| - 1996 \$ _____ | - 2001 \$ _____ |
| - 1997 \$ _____ | - 2002 \$ _____ |
| - 1998 \$ _____ | - 2003 \$ _____ |

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

If yes, signature of Manager of Architectural Division

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

- 13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:**

- NOTE: Includes programming costs, utilities, building and ground maintenance expenses, and all administrative costs.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Priority One Park remains undeveloped. Neighbourhood facilities continue to decay.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No Yes x ; If yes,

- | | | |
|-----|--|-------------|
| (a) | PROJECT NO. (1993-2002 Capital Budget) | 220.0 |
| (b) | AT CITY'S COST OF | \$ 400,000. |
| (c) | SCHEDULED TO START IN THE YEAR | 1994 |

Signature of Department Head/
Local Board Manager

Signature of C.A.O

NOV 05 1943

Date _____

Date _____

16. FUNDING (Treasury Department To Complete):

- (a) NATURE OF PROPOSED FINANCING: _____
- (b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
Yes ____ No ____
- (c) IF DEBENTURE FINANCING:
- (i) ANNUAL DEBENTURE FINANCING COST: \$ _____
- (ii) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____

NOTE: *Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.*

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1994-2003 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Crown Point East/McAnulty Phase II
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
This is the second phase of a two-phase project stressing improvements to the Crown Point East Priority One Park on Roxborough Avenue at Queen Mary School along with other residential, commercial and industrial needs of the neighbourhoods. Other items of renewal could include lighting, sidewalks, accessibility of the neighbourhood, buffering, etc.
4. DEPARTMENTAL PRIORITY ORDER: 2
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT _____
 - (b) HARD SERVICE x
 - (c) SOFT SERVICE x
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) x
 - (b) HEALTH/SAFETY/ENVIRONMENT x
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) x
 - (e) ECONOMIC DEVELOPMENT _____
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR x
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) x
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) _____
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): _____
 - (b) GROSS COST \$ _____
8.
 - (a) PROJECT STARTING DATE (MONTH-YEAR) January 1994
 - (b) PROJECT FINISHING DATE (MONTH-YEAR): December 1996
9.
 - (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 532,000.
 - (b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy Jobs Ontario -
and describe) Community Capital \$ 132,000.
 - (c) LESS OTHER RECEIPTS (Specify): _____ \$ _____
 - (d) NET CITY'S COST: \$ 400,000.
10.
 - (a) YEAR OF EXPENDITURE:

| | |
|---------------------------|-----------------|
| - 1994 \$ <u>100,000.</u> | - 1999 \$ _____ |
| - 1995 \$ <u>200,000.</u> | - 2000 \$ _____ |
| - 1996 \$ <u>100,000.</u> | - 2001 \$ _____ |
| - 1997 \$ _____ | - 2002 \$ _____ |
| - 1998 \$ _____ | - 2003 \$ _____ |

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

If yes, signature of Manager of Architectural Division

- 10 man yrs

\$ 18,620.

1994

Date _____

\$

Page 2 of 2

The Corporation of the City of Hamilton

PROJECT NUMBER _____

(Treasury to complete)

1994-2003 CAPITAL BUDGET

INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Ferguson Avenue Revitalization - Implementation
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
 Ferguson Avenue is proposed as a three-phase revitalization project. Phase I will include primary treatment to the area between Main and Kelly Streets with purchase and improvement on the CN lands in between Main and King Streets. Phase II entails secondary treatment to Ferguson Avenue from the Escarpment to Main Street and from Kelly Street to Pier 4 Park with emphasis on pedestrian connections at the Perimeter Road and at St. Joseph's Drive to Sam Lawrence Park. This Capital Budget submission includes an allowance to prepare working drawings and contract documents for construction as well as administration costs of the project. This is a preliminary estimate for implementation. A more detailed cost will be identified upon completion of the Ferguson Avenue Master Plan expected in the beginning of January 1994.
4. DEPARTMENTAL PRIORITY ORDER: 3
5. NATURE OF PROJECT:

| | |
|--|---------------|
| (a) MAINTENANCE OF AN EXISTING PROJECT | _____ |
| (b) HARD SERVICE | _____ x _____ |
| (c) SOFT SERVICE | _____ x _____ |
6. PROJECT JUSTIFICATION:

| | |
|---|---------------|
| (a) STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation) | _____ x _____ |
| (b) HEALTH/SAFETY/ENVIRONMENT | _____ x _____ |
| (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT | _____ |
| (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) | _____ x _____ |
| (e) ECONOMIC DEVELOPMENT | _____ x _____ |
| (f) PRODUCE JOBS IN THE PRIVATE SECTOR | _____ x _____ |
| (g) MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure) | _____ |
| (h) REDUCE ONGOING COST (Staffing and/or resource requirements) | _____ x _____ |
7. FEASIBILITY STUDY:

| | |
|------------------------|---------------|
| (a) DATE (MONTH-YEAR): | December 1992 |
| (b) GROSS COST | \$ 60,000. |
8. (a) PROJECT STARTING DATE (MONTH-YEAR): January 1997
 (b) PROJECT FINISHING DATE (MONTH-YEAR): December 1998
9. (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 1,800,000.
 (b) LESS PROVINCIAL SUBSIDIES:
 (Identify nature of Subsidy _____
 and describe) _____ \$ N/A
 (c) LESS OTHER RECEIPTS (Specify): _____ \$ N/A
 (d) NET CITY'S COST: \$ 1,800,000.
10. (a) YEAR OF EXPENDITURE:

| | |
|----------------------|-----------------|
| - 1994 \$ _____ | - 1999 \$ _____ |
| - 1995 \$ _____ | - 2000 \$ _____ |
| - 1996 \$ _____ | - 2001 \$ _____ |
| - 1997 \$ 1,000,000. | - 2002 \$ _____ |
| - 1998 \$ 800,000. | - 2003 \$ _____ |

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

If yes, signature of Manager of Architectural Division

- 36 man yrs

\$ 66,850.

1997

Page 2 of 2

The Corporation of the City of Hamilton

PROJECT NUMBER _____

(Treasury to complete)

1994-2003 CAPITAL BUDGET

INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Stipeley South Neighbourhood
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
The Stipeley Neighbourhood south of Barton Street has a major deficiency in parkland and, therefore, contains no Priority One Park. A Priority One Park must be identified and upgraded. Hard and soft services require major improvements. The Neighbourhood is located east/central in Ward Three and is a mix of residential, industrial and commercial uses.
4. DEPARTMENTAL PRIORITY ORDER: 4
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT _____
 - (b) HARD SERVICE x
 - (c) SOFT SERVICE x
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) x
 - (b) HEALTH/SAFETY/ENVIRONMENT x
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) x
 - (e) ECONOMIC DEVELOPMENT _____
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR x
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) x
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) _____
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): _____
 - (b) GROSS COST \$ _____
8.
 - (a) PROJECT STARTING DATE (MONTH-YEAR) January 1997
 - (b) PROJECT FINISHING DATE (MONTH-YEAR): December 1998
9.
 - (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 532,000.
 - (b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy Jobs Ontario -
and describe) Community Capital \$ 132,000.
 - (c) LESS OTHER RECEIPTS (Specify): _____ \$ _____
 - (d) NET CITY'S COST: \$ 400,000.
10.
 - (a) YEAR OF EXPENDITURE:

| | |
|---------------------------|-----------------|
| - 1994 \$ _____ | - 1999 \$ _____ |
| - 1995 \$ _____ | - 2000 \$ _____ |
| - 1996 \$ _____ | - 2001 \$ _____ |
| - 1997 \$ <u>200,000.</u> | - 2002 \$ _____ |
| - 1998 \$ <u>200,000.</u> | - 2003 \$ _____ |

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1994-2003 CAPITAL BUDGET

INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Phase VI of the Downtown Action Plan - Interconnecting Streets
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Presently, the Downtown Action Plan includes a very defined boundary which treatment stops dramatically at its borders. Phase VI will address the transition areas from commercial to residential and also allow Public Works to develop a partnership with private developers to provide incentive dollars to upgrade the streetscaping around their buildings at minimal cost to the City. Authorization was given to the interconnecting streets within the Study Area to determine the feasibility of extending the Downtown Action Plan physical improvements.
4. DEPARTMENTAL PRIORITY ORDER: 5
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT _____
 - (b) HARD SERVICE X
 - (c) SOFT SERVICE X
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) X
 - (b) HEALTH/SAFETY/ENVIRONMENT X
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) X
 - (e) ECONOMIC DEVELOPMENT X
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR X
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) X
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) _____
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): _____
 - (b) GROSS COST \$ _____
8.
 - (a) PROJECT STARTING DATE (MONTH-YEAR) January 1997
 - (b) PROJECT FINISHING DATE (MONTH-YEAR): December 1998
9.
 - (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 800,000.
 - (b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy _____
and describe) _____ \$ _____
 - (c) LESS OTHER RECEIPTS (Specify): _____ \$ _____
 - (d) NET CITY'S COST: \$ 800,000.
10.
 - (a) YEAR OF EXPENDITURE:

| | |
|---------------------------|-----------------|
| - 1994 \$ _____ | - 1999 \$ _____ |
| - 1995 \$ _____ | - 2000 \$ _____ |
| - 1996 \$ _____ | - 2001 \$ _____ |
| - 1997 \$ <u>200,000.</u> | - 2002 \$ _____ |
| - 1998 \$ <u>600,000.</u> | - 2003 \$ _____ |

11. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes

If yes, signature of Manager of Architectural Division

(b) If no, the basis of: assumptions Based on previous projects of similar scope.

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a) WITHIN THE CITY DEPARTMENTS

NIL

(b) IN THE COMMUNITY

16.0

13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR)

December 1998

(b) GROSS COST (All Inclusive)

\$ 21,000.

(c) LESS RECOVERY/REVENUE

\$

(d) NET CITY'S COST

\$

(e) FOLLOWING YEAR - DATE (MONTH-YEAR)

(f) GROSS COST (All Inclusive)

\$

(g) LESS RECOVERY/REVENUE

\$

(h) NET CITY'S COST

\$ 21,000.

NOTE: Includes programming costs, utilities, building and ground maintenance expenses, and all administrative costs.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

The Downtown Action Plan improvements lose their impact as the commercial sectors grow around it. Public and private demand for improvements will not be planned or budgeted for. Opportunities with developers will remain untapped.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No x Yes ; If yes,

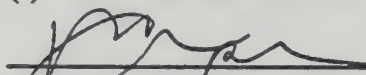
(a) PROJECT NO. (1993-2002 Capital Budget)

(b) AT CITY'S COST OF

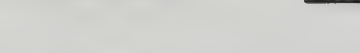
\$

(c) SCHEDULED TO START IN THE YEAR

outside 10yr plan



Signature of Department Head/
Local Board Manager



Signature of C.A.O.

NOV 05 1993

Date

Date

16. FUNDING (Treasury Department To Complete):

(a) NATURE OF PROPOSED FINANCING:

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:

Yes No

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST:

\$

(ii) TOTAL CARRYING COST OF RETIRING DEBT:

\$

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____

(Treasury to complete)

1994-2003 CAPITAL BUDGET

INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Parkview (East and West)
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Improvements to parks, recreational, hard and soft services. Parkview Neighbourhood is adjacent to Red Hill Creek.
4. DEPARTMENTAL PRIORITY ORDER: 6
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT _____
 - (b) HARD SERVICE x
 - (c) SOFT SERVICE x
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) x
 - (b) HEALTH/SAFETY/ENVIRONMENT x
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) x
 - (e) ECONOMIC DEVELOPMENT _____
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR x
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) x
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) _____
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): _____
 - (b) GROSS COST \$ _____
8.
 - (a) PROJECT STARTING DATE (MONTH-YEAR) January 1998
 - (b) PROJECT FINISHING DATE (MONTH-YEAR): December 1998
9.
 - (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 266,000.
 - (b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy Jobs Ontario -
and describe) Community Capital \$ 66,000.
 - (c) LESS OTHER RECEIPTS (Specify): _____ \$ _____
 - (d) NET CITY'S COST: \$ 200,000.
10. (a) YEAR OF EXPENDITURE:

| | |
|---------------------------|-----------------|
| - 1994 \$ _____ | - 1999 \$ _____ |
| - 1995 \$ _____ | - 2000 \$ _____ |
| - 1996 \$ _____ | - 2001 \$ _____ |
| - 1997 \$ _____ | - 2002 \$ _____ |
| - 1998 \$ <u>200,000.</u> | - 2003 \$ _____ |

11. ESTIMATE PREPARED BY:
(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes

If yes, signature of Manager of Architectural Division

- (b) If no, the basis of assumptions At time of original submission amount based on matching maximum Provincial subsidy.

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

- (a) WITHIN THE CITY DEPARTMENTS NIL
(b) IN THE COMMUNITY 5 man yrs

13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

- (a) FIRST YEAR - DATE (MONTH-YEAR) December 1998
(b) GROSS COST (All Inclusive) \$ 18,620.
(c) LESS RECOVERY/REVENUE \$
(d) NET CITY'S COST \$
(e) FOLLOWING YEAR - DATE (MONTH-YEAR)
(f) GROSS COST (All Inclusive) \$
(g) LESS RECOVERY/REVENUE \$
(h) NET CITY'S COST \$ 18,620.

NOTE: Includes programming costs, utilities, building and ground maintenance expenses, and all administrative costs.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Further deterioration of Neighbourhood.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No Yes x ; If yes,

- (a) PROJECT NO. (1993-2002 Capital Budget) 223.0
(b) AT CITY'S COST OF \$ 400,000.
(c) SCHEDULED TO START IN THE YEAR 1998

Signature of Department Head/
Local Board Manager
NOV 8 5 1993

Signature of C.A.O

Date

Date

16. FUNDING (Treasury Department To Complete):

- (a) NATURE OF PROPOSED FINANCING: _____
(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
Yes No
(c) IF DEBENTURE FINANCING:
(i) ANNUAL DEBENTURE FINANCING COST: \$ _____
(ii) TOTAL CARRYING COST OF RETIRING DEBT: \$ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____
(Treasury to complete)

1994-2003 CAPITAL BUDGET

INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Blakeley/St. Clair Revitalization
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Improvements to parks, recreational and hard and soft services. Blakeley/St. Clair are located south/central in Hamilton in Ward Three in between Wentworth, Gage, Main Streets and the base of the Escarpment.
4. DEPARTMENTAL PRIORITY ORDER: 7
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT _____
 - (b) HARD SERVICE x
 - (c) SOFT SERVICE x
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) x
 - (b) HEALTH/SAFETY/ENVIRONMENT x
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) x
 - (e) ECONOMIC DEVELOPMENT _____
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR x
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) x
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) _____
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): _____
 - (b) GROSS COST \$ _____
8.
 - (a) PROJECT STARTING DATE (MONTH-YEAR) January 2000
 - (b) PROJECT FINISHING DATE (MONTH-YEAR): December 2001
9.
 - (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 532,000.
 - (b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy Jobs Ontario -
and describe) Community Capital \$ 132,000.
 - (c) LESS OTHER RECEIPTS (Specify): _____ \$ _____
 - (d) NET CITY'S COST: \$ 400,000.
10.
 - (a) YEAR OF EXPENDITURE:

| | |
|-----------------|---------------------------|
| - 1994 \$ _____ | - 1999 \$ _____ |
| - 1995 \$ _____ | - 2000 \$ <u>200,000.</u> |
| - 1996 \$ _____ | - 2001 \$ <u>200,000.</u> |
| - 1997 \$ _____ | - 2002 \$ _____ |
| - 1998 \$ _____ | - 2003 \$ _____ |

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

If yes, signature of Manager of Architectural Division

- 10 man yrs

\$ 18,620.

2000

Date _____

\$

Page 2 of 2

The Corporation of the City of Hamilton

PROJECT NUMBER _____

(Treasury to complete)

1994-2003 CAPITAL BUDGET

INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Hughson Street Redevelopment - Downtown Action Plan Phase I
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Upon completion of the GO extension to Hamilton, Hughson Street will play a major role as a pedestrian link to the Downtown Action Plan Redevelopment Area. Special treatment to enhance the pedestrian appeal such as streetscaping, pedestrian weather protection, etc. are needed from Hunter to King Streets as per the Central District Study draft Guidelines adopted by the Planning and Development Committee.
4. DEPARTMENTAL PRIORITY ORDER: 8 _____
5. NATURE OF PROJECT:
 - (a) MAINTENANCE OF AN EXISTING PROJECT _____
 - (b) HARD SERVICE _____ x
 - (c) SOFT SERVICE _____ x
6. PROJECT JUSTIFICATION:
 - (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) _____ x
 - (b) HEALTH/SAFETY/ENVIRONMENT _____ x
 - (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
 - (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) _____ x
 - (e) ECONOMIC DEVELOPMENT _____ x
 - (f) PRODUCE JOBS IN THE PRIVATE SECTOR _____ x
 - (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) _____
 - (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) _____
7. FEASIBILITY STUDY:
 - (a) DATE (MONTH-YEAR): _____
 - (b) GROSS COST \$ _____
8.
 - (a) PROJECT STARTING DATE (MONTH-YEAR): January 2001
 - (b) PROJECT FINISHING DATE (MONTH-YEAR): December 2003
9.
 - (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 743,000.
 - (b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy _____ and describe) _____ \$ _____
 - (c) LESS OTHER RECEIPTS (Specify): _____ \$ _____
 - (d) NET CITY'S COST: \$ 743,000.
10.
 - (a) YEAR OF EXPENDITURE:

| | |
|-----------------|---------------------------|
| - 1994 \$ _____ | - 1999 \$ _____ |
| - 1995 \$ _____ | - 2000 \$ _____ |
| - 1996 \$ _____ | - 2001 \$ <u>220,000.</u> |
| - 1997 \$ _____ | - 2002 \$ <u>220,000.</u> |
| - 1998 \$ _____ | - 2003 \$ <u>303,000.</u> |

11. ESTIMATE PREPARED BY:
(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No x Yes

If yes, signature of Manager of Architectural Division

- (b) If no, the basis of assumptions **Based on previous Capital Projects of similar scope including inflationary measures. A more accurate estimate will be identified through the results of the Hughson Street Implementation Committee to be established in the near future.**

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

- (a) WITHIN THE CITY DEPARTMENTS NIL
(b) IN THE COMMUNITY 14.0

13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

- (a) FIRST YEAR - DATE (MONTH-YEAR) December 2002
(b) GROSS COST (All Inclusive) \$ 26,775.
(c) LESS RECOVERY/REVENUE \$
(d) NET CITY'S COST \$
(e) FOLLOWING YEAR - DATE (MONTH-YEAR)
(f) GROSS COST (All Inclusive) \$
(g) LESS RECOVERY/REVENUE \$
(h) NET CITY'S COST \$ 26,775.

NOTE: Includes programming costs, utilities, building and ground maintenance expenses, and all administrative costs.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
No pedestrian link to GO Station from Hunter to Charlton.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No x Yes ; If yes,

- (a) PROJECT NO. (1993-2002 Capital Budget)
(b) AT CITY'S COST OF \$
(c) SCHEDULED TO START IN THE YEAR


Signature of Department Head/
Local Board Manager

Signature of C.A.O

NOV 05 1993

Date

Date

16. FUNDING (Treasury Department To Complete):

- (a) NATURE OF PROPOSED FINANCING:
(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE:
Yes No
(c) IF DEBENTURE FINANCING:
(i) ANNUAL DEBENTURE FINANCING COST: \$
(ii) TOTAL CARRYING COST OF RETIRING DEBT: \$

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

The Corporation of the City of Hamilton

PROJECT NUMBER _____

(Treasury to complete)

1994-2003 CAPITAL BUDGET

INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Public Works Department - Community Renewal Section
2. PROJECT NAME: Commercial Improvement Program - Phase II
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Phase II of the Commercial Improvement Program will address the physical and economic needs of Business Improvement Areas as they pertain to municipally owned lands i.e. banners, benches, light fixtures, planters, sidewalks, etc. All monies will be spent within legally defined Business Improvement Areas.

4. DEPARTMENTAL PRIORITY ORDER: 10

5. NATURE OF PROJECT:
- (a) MAINTENANCE OF AN EXISTING PROJECT _____
- (b) HARD SERVICE X
- (c) SOFT SERVICE X

6. PROJECT JUSTIFICATION:
- (a) STRATEGIC DIRECTION
(Image of the City, Quality of Life, Transportation) X
- (b) HEALTH/SAFETY/ENVIRONMENT X
- (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT _____
- (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) X
- (e) ECONOMIC DEVELOPMENT X
- (f) PRODUCE JOBS IN THE PRIVATE SECTOR X
- (g) MAINTAIN EXISTING SERVICE
(Roads, Buildings, Other basic infrastructure) X
- (h) REDUCE ONGOING COST
(Staffing and/or resource requirements) _____

7. FEASIBILITY STUDY:
- (a) DATE (MONTH-YEAR): _____
- (b) GROSS COST \$ _____

8. (a) PROJECT STARTING DATE (MONTH-YEAR) January 1999
- (b) PROJECT FINISHING DATE (MONTH-YEAR): December 2003

9. (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 2,500,000.
- (b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy _____
and describe) _____ \$ _____
- (c) LESS OTHER RECEIPTS (Specify): _____ \$ _____
- (d) NET CITY'S COST: \$ 2,500,000.

10. (a) YEAR OF EXPENDITURE:
- | | |
|-----------------|---------------------------|
| - 1994 \$ _____ | - 1999 \$ <u>500,000.</u> |
| - 1995 \$ _____ | - 2000 \$ <u>500,000.</u> |
| - 1996 \$ _____ | - 2001 \$ <u>500,000.</u> |
| - 1997 \$ _____ | - 2002 \$ <u>500,000.</u> |
| - 1998 \$ _____ | - 2003 \$ <u>500,000.</u> |

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

If yes, signature of Manager of Architectural Division

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

NIL

50 man yrs

(a) FIRST YEAR - DATE (MONTH-YEAR)

January 2003

\$ 701,000.

S

\$ _____

\$ _____

\$

\$ 701,000.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

Commitment to Hamilton's Business Improvement Areas by the City of Hamilton will not be demonstrated. Commercial vitality not created.

No x Yes ; If yes,

.....

\$ _____

Signature of C.A.O

Date _____

(a) NATURE OF PROPOSED FINANCING:

AVAILABLE:

Yes _____ No _____

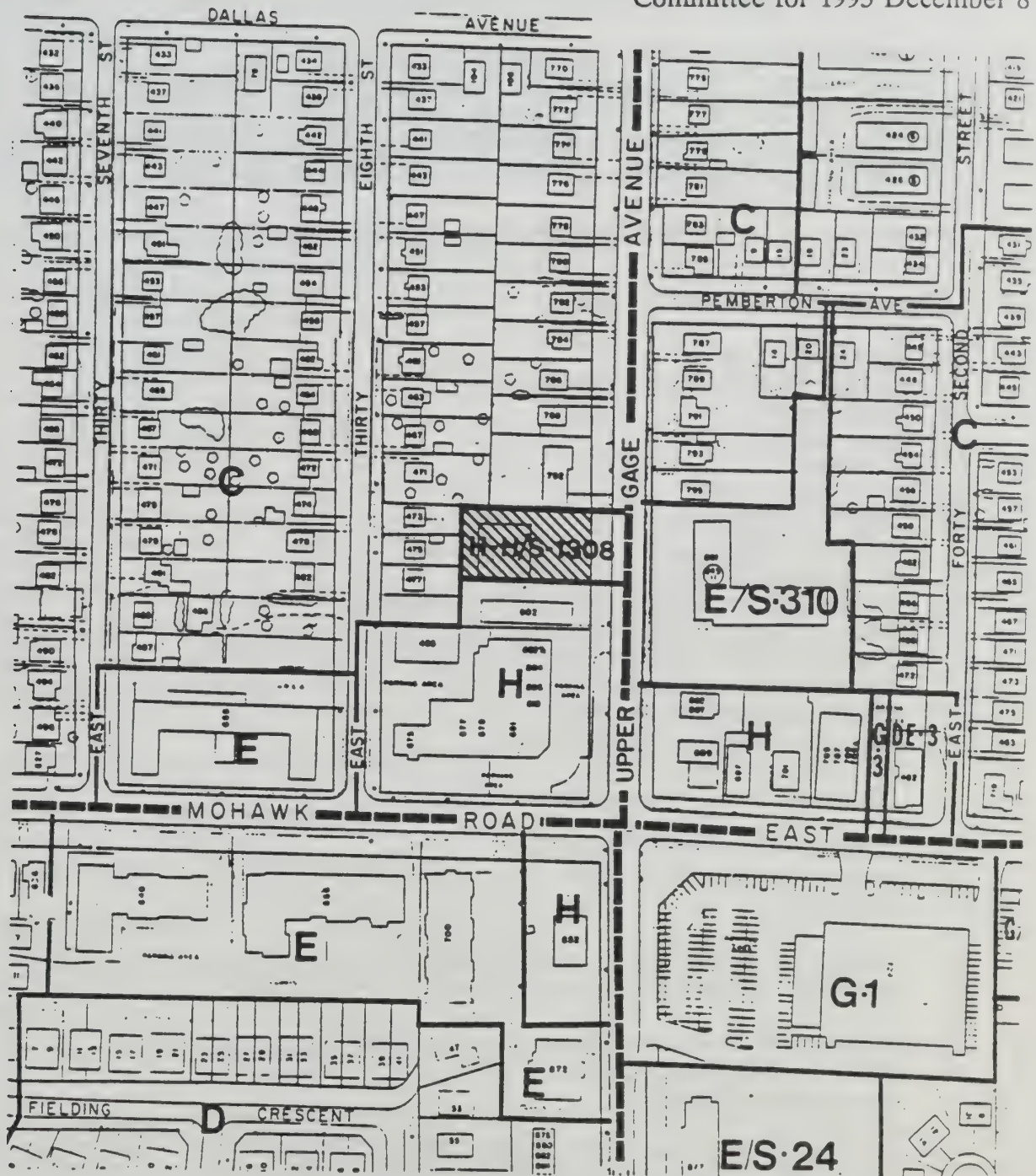
(i) **ANNUAL DEBENTURE FINANCING COST:**

(i) **ANNUAL DEBENTURE FINANCING COST:**

\$

Page 2 of 2

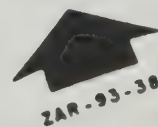
Appendix "D" as referred to
in Section 6(a) of the minutes
of the Planning and Development
Committee for 1993 December 8



Legend



Site of the Application



PROJECT NUMBER 178.0
(Treasury to complete)

1994-2003 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

Appendix "E" as referred to
in Section 6(b) of the minutes
of the Planning and Development
Committee for 1993 December 8

1. DEPARTMENT/LOCAL BOARD: Planning and Development
2. PROJECT NAME: Property Acquisition Program - Alpha East Enclave
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC..
Removal of 13 residential properties in Alpha East Enclave (Sherman Avenue and Imperial Street).
Acquired land to be sold to industry. This is a revised cost estimate for the existing acquisition program.

4. DEPARTMENTAL PRIORITY ORDER: 1

5. NATURE OF PROJECT:
- | | |
|--|-------------------|
| (a) MAINTENANCE OF AN EXISTING PROJECT | <u>X</u> |
| (b) HARD SERVICE | <u> </u> |
| (c) SOFT SERVICE | <u> </u> |

6. PROJECT JUSTIFICATION:
- | | |
|---|-------------------|
| (a) STRATEGIC DIRECTION (Image of the City, Quality of Life, Transportation) | <u>X</u> |
| (b) HEALTH/SAFETY/ENVIRONMENT | <u>X</u> |
| (c) LEGISLATED BY SENIOR LEVELS OF GOVERNMENT | <u> </u> |
| (d) NEEDS ANALYSIS (Demand, Equitable, Cost / Benefit) | <u> </u> |
| (e) ECONOMIC DEVELOPMENT | <u> </u> |
| (f) PRODUCE JOBS IN THE PRIVATE SECTOR | <u> </u> |
| (g) MAINTAIN EXISTING SERVICE (Roads, Buildings, Other basic infrastructure) | <u> </u> |
| (h) REDUCE ONGOING COST (Staffing and/or resource requirements) | <u> </u> |

7. FEASIBILITY STUDY:
- | | | |
|------------------------|-------------------|----------------------|
| (a) DATE (MONTH-YEAR): | <u> </u> | |
| (b) GROSS COST | <u> </u> | \$ <u> </u> |

8. (a) PROJECT STARTING DATE (MONTH-YEAR) 1996
- (b) PROJECT FINISHING DATE (MONTH-YEAR): 1997

9. (a) GROSS COST OF PROJECT In Year-Of-Start Dollars: \$ 1,300,000.00
- (b) LESS PROVINCIAL SUBSIDIES:
(Identify nature of Subsidy
and describe) \$
- (c) LESS OTHER RECEIPTS (Specify): Recovery from sale of lands \$ 155,000.00
(\$155,000.00). Funds may be recovered at any point during the program
that land sales become viable.
- (d) NET CITY'S COST: \$ 1,145,000.00

10. (a) YEAR OF EXPENDITURE:
- | | |
|-------------------------------|-----------------------------|
| - 1994 \$ <u> </u> | - 1999 \$ <u> </u> |
| - 1995 \$ <u> </u> | - 2000 \$ <u> </u> |
| - 1996 \$ <u> </u> | - 2001 \$ <u> </u> |
| - 1997 \$ <u>1,145,000.00</u> | - 2002 \$ <u> </u> |
| - 1998 \$ <u> </u> | - 2003 \$ <u> </u> |

11. ESTIMATE PREPARED BY:

(a) PROPERTY DEPARTMENT - ARCHITECTURAL DIVISION

No X Yes

If yes, signature of Manager of Architectural Division

(b) If no, the basis of assumptions _____

12. ADDITIONAL JOBS TO BE CREATED BY PROJECT:

(a) WITHIN THE CITY DEPARTMENTS _____

(b) IN THE COMMUNITY _____

13. ADDITIONAL ANNUAL OPERATING COST IN CURRENT BUDGET:

(a) FIRST YEAR - DATE (MONTH-YEAR) _____

(b) GROSS COST (All Inclusive) _____

\$ _____

(c) LESS RECOVERY/REVENUE _____

\$ _____

(d) NET CITY'S COST _____

\$ _____

(e) FOLLOWING YEAR - DATE (MONTH-YEAR) _____

(f) GROSS COST (All Inclusive) _____

\$ _____

(g) LESS RECOVERY/REVENUE _____

\$ _____

(h) NET CITY'S COST _____

\$ _____

NOTE: Includes programming costs, utilities, building and ground maintenance expenses, and all administrative costs.

14. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

The existing acquisition funds will only purchase a few of the
13 properties. Elimination of the project will leave several
properties unpurchased, further eroding the quality of life
for existing residents.

15. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

No Yes X ; If yes,

(a) PROJECT NO. (1993-2002 Capital Budget) _____

218.0

(b) AT CITY'S COST OF _____

\$ 1,145,000.00

(c) SCHEDULED TO START IN THE YEAR _____

2001

Signature of Department Head/
Local Board Manager

Oct. 18, 1993

Date

Signature of C.A.O

Nov. 1/93

Date

16. FUNDING (Treasury Department To Complete):

(a) NATURE OF PROPOSED FINANCING: _____

(b) RESERVE/CAPITAL LEVY FUNDING AVAILABLE: _____

Yes No

(c) IF DEBENTURE FINANCING:

(i) ANNUAL DEBENTURE FINANCING COST: _____

\$ _____

(ii) TOTAL CARRYING COST OF RETIRING DEBT: _____

\$ _____

NOTE: Estimates of all building related projects and the related operating cost must be provided by the Architectural Division, Property Department.

Appendix "F" as referred to
in Section 8(B)(a)(a) of the minutes
of the Planning and Development
Committee for 1993 December 8

INTERNATIONAL Village

King Street East
between Wellington
and Mary

PROPOSED BUDGET January 1, 1994 to December 31, 1994

| | <u>Gross Cost</u> | <u>*Recoverable from Federal Grant</u> | <u>Net Cost</u> |
|-------------------------------------|-----------------------|--|---------------------|
| <u>OPERATIONS</u> | | | |
| Rent | \$ 4,200 | \$ 1,350 | \$ 2,850 |
| Telephone & Hydro | 1,450 | 900 | 550 |
| Equipment & Supplies | 1,928 | 1,200 | 728 |
| Bank Charges | 300 | 150 | 150 |
| TOTAL OPERATING | \$ 7,878 | \$ 3,600 | \$ 4,278 |
| <u>WAGES</u> | | | |
| Executive Director | \$ 20,200 | \$ 7,000 | \$ 13,200 |
| Wage Costs | 2,048 | 770 | 1,278 |
| | \$ 22,248 | \$ 7,770 | \$ 14,478 |
| Less Training Revenue | | 2,500 | (2,500) |
| TOTAL WAGES | \$ 22,248 | \$ 10,270 | \$ 11,978 |
| Insurance | \$ 665 | | \$ 665 |
| Audit Fees | 285 | | 285 |
| Advertising & Promotion | 25,000 | | 25,000 |
| Lighting Grant | (1,000) | | (1,000) |
| | \$ 24,950 | | \$ 24,950 |
| Allowance for Uncollected Levies | 12,000 | | 12,000 |
| TOTAL COST | \$ 67,076 | \$ 13,870 | \$ 53,206 |

* APPLIED FOR 6 MONTHS (25 WEEKS)
July - December 1994
2 Clients in Management Office
1 Client with Membership

OTTAWA STREET B.I.A. PROPOSED 1994 BUDGET

| Budget Item | Total \$ | % |
|--|------------|---------|
| Rent | | |
| 12 months including Hydro | 1,300 | 3% |
| Utilities | | |
| Telephone - 1 line @ 45.00, 12 months including long distance | 750 | 1.7% |
| Insurance | | |
| Total coverage includes: Liability, vandalism fire, computers, office equipment and special events and directors liability | 1,600 | 3.6% |
| Office Supplies | | |
| Paper, pens, letterhead, capital newsletters, postage and sundries | 1,000 | 2.3% |
| Office Equipment | | |
| Photocopier | | |
| Lease | \$2,800.00 | |
| Service Contracts | \$1,100.00 | |
| | 3,900 | 8.9% |
| Wages | | |
| Co-ordinator's Contract | 5,100 | 11.6% |
| Promotional Organizer Contract | 2,100 | 4.8% |
| Advertising | 10,000 | 22.8% |
| Beautification | | |
| Street Cleaner's Contract (4 days x 6 hours x \$7.50 x 30 weeks) | 6,000 | 13.7% |
| Street Cleaner supplies - bags, brooms, etc. | 750 | 1.7% |
| Garbage Removal | 800 | 1.8% |
| Lighting Secondary | | |
| Lights in trees | 4,000 | 9.1% |
| Other Costs include: | | |
| Bank Charges | 250 | |
| Workers Compensation | 100 | |
| Yearly audit of books | 650 | |
| | 1,000 | 2.3% |
| Contingency Fund | | |
| 12 percent | 4,700 | 12% |
| Total | 43,800 | 100.00% |

Ba)

DATE: 1994 January 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: Concession Street B.I.A.
Revised Board of Management

a) That in accordance with the provisions of Section 220 of the Municipal Act, R.S.O. 1990, the Concession Street B.I.A. Board of Management be amended to delete the following name:

| | |
|---------------|-------------------|
| George Barker | Barkers Furniture |
|---------------|-------------------|

b) That the City Solicitor be authorized and directed to amend By-law No. 86-144 pursuant to (a) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

BACKGROUND:

The Concession Street B.I.A. held its annual general meeting on 1993 December 1, at which time the above member resigned from the Board.

CITY OF HAMILTON
- RECOMMENDATION -

Bb)
OFFICE OF THE CITY CLERK

JAN 12 1994

REC. BY DATE
REF'D TO DATE
REF'D. TO DATE
REF'D. TO DATE

ACTION: _____

DATE: 1994 January 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

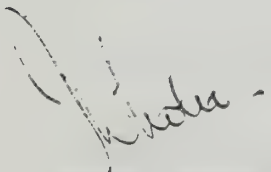
SUBJECT: Concession Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1994.

RECOMMENDATION:

- a) That the 1994 operating budget of the Concession Street B.I.A. (attached as Schedule 'A') be approved in the amount of eight thousand, five hundred and seventy-five dollars (\$8,575.); and,
- b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1994 budget as referenced in (a) above; and,
- c) That the following Schedule of Payments for 1994 be approved.

| | |
|------------|------------|
| May 01 | \$4,287.50 |
| October 01 | \$4,287.50 |

NOTE: 1993 Levy Arrears will be deducted from the two payments for 1994.



Mr. D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of eight thousand, five hundred and seventy-five dollars (\$8,575.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

BACKGROUND:

At its Annual General Meeting held 1993 December 01, the Concession Street B.I.A. adopted a budget of eight thousand, five hundred and seventy-five dollars (\$8,575.).

MG:mg

cc: Mr. A. Ross, City Treasurer
ATTN: **Mr. T. Bradbury, Assistant Supervisor
Business Tax**

Bc)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 December 3

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: Phase IV of the Downtown Action Plan;
Public Service Announcement Competition

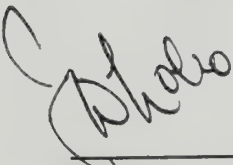
RECEIVED

DEC 06 1993

CITY CLERKS

RECOMMENDATION:

That the City of Hamilton's Public Works Department, Community Renewal, in conjunction with the Keep Hamilton Clean Committee, hold a 6th Annual Public Service Announcement Competition through Mohawk College Media Studies Program and CHCH-TV at a total estimated cost of \$3,000.



Mr. D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are available in Phase IV of the Downtown Action Plan Account Number CF 5698 428803006.

BACKGROUND:

On 1988 November 29 City Council adopted Section 1 of the 23rd Report of the Planning and Development Committee which approved recommendations one through four and six of the City of Hamilton Sanitation Study. Pursuant to this a Public Service Announcement (P.S.A.) Competition was established in 1989 in cooperation with Mohawk College and

CHCH-TV. The P.S.A. has been very successful over the past five years and has assisted the City of Hamilton in developing community awareness amongst its residents particularly the downtown business operators. The students of the Media Studies Program at Mohawk College are ready to commence preparing their submissions for the P.S.A. for 1994. Selection of the winning entries is carried out by the Keep Hamilton Clean Committee, Mohawk College, CHCH-TV and the Public Works Department. Awards will be made in approximately July-August 1994.

HM:hm

c.c. Alderman D. Wilson, Ward Four

Mr. D. Duncan, Superintendent
Streets & Sanitation
Public Works Department

Mr. K. Wallace, Media Studies
Mohawk College of Applied Arts & Technology

Mr. B. Janes
CHCH-TV

CITY OF HAMILTON
- RECOMMENDATION -

OFFICE OF THE CITY CLERK

JAN 10 1994

REC. BY DATE
REF'D TO DATE
REF'D. TO DATE
REF'D. TO DATE

ACTION: _____

DATE: 1994 January 6
S719-71, M.J. Inrig

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Mr. E. M. Gill, P.Eng.
Senior Director
Roads Department

SUBJECT: Amendment To Draft Plan Conditions For Application
25T-92008 "Sheldon Estates" Subdivision, Hamilton

RECOMMENDATION:

- i) That the approved draft plan conditions for application 25T-92008 "Sheldon Estates" proposed plan of subdivision located on Stone Church Road West between Garth Street and West Fifth Street be amended to include the following condition:

"That the Owner agree in writing to construct and pay the full cost of all municipal services, both above and below ground, less any oversizing, on Chesley Street from Stone Church Road West to the southerly limit of the subdivision with no provision for recovery of monies from the City or Region."



E.M. Gill, P.Eng.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On 1993 May 25 City Council in adopting Item 9 of the tenth report of the Planning and Development Committee approved the proposed draft plan for "Sheldon Estates" subdivision. The plan was approved for twenty two (22) single family residential lots and proposed to extend Chesley Street from Stone Church Road West to the future City park at the south limit of the plan.

Cont'd...

-Page 2-

1994 January 5

**Amendment To Draft Plan Conditions For Application
25T-92008 "Sheldon Estates" Subdivision, Hamilton**

Cont'd...

In this case, the lands on the east and west side of Chesley Street from Stone Church Road West to 50 metres southerly are outside the limits of the approved draft plan of subdivision. The lands on the west side are privately owned and the lands on the east side are owned by the owner of "Sheldon Estates". According to present City and Regional policy the City would cost share for the west side of the roadway and provision would be made under the "Best Efforts Obligation" of the Region's Subdivision Agreement to recover the cost of services applicable to the west side of the road when the lands to the west are developed. The developer would pay the cost of servicing on the east side as he is the owner of the lands to the east.

Both land owners on the east and west side of Chesley Street have made application for land severance to create additional lots on Stone Church Road. Under each land severance application the policy for the City and Region is to collect a security from the applicants to ensure the future payment of servicing costs on Chesley Street adjacent to the severed lands when the roadway is built.

In this particular case, the owner of the subdivision and the land owner on the west side of Chesley Street wish to settle the cost sharing of services between themselves. The subdivision owner has sent the Roads Department a letter stating that they would pay the full cost of municipal services on Chesley Street adjacent to the westerly lands. Also under the severance application for the east side of Chesley Street the Owner has requested that the security requirement be deferred as it is the owner's intention to build and pay the entire cost of the roadway when the subdivision is developed.

Staff feel the owner's request is of a reasonable nature provided an additional condition is added to the draft plan conditions for "Sheldon Estates" to protect the City from a cost sharing situation in the event that the subdivision lands were sold to another party, prior to development of the lands.

MJJI:

cc: J. Thoms, Commissioner, Planning and Development Department

LAND SEVERANCE
EAST SIDE OF
CHESLEY STREET
SAME OWNER AS
SHELDON ESTATES

LAND SEVERANCE
WEST SIDE OF
CHESLEY STREET
PRIVATELY OWNED

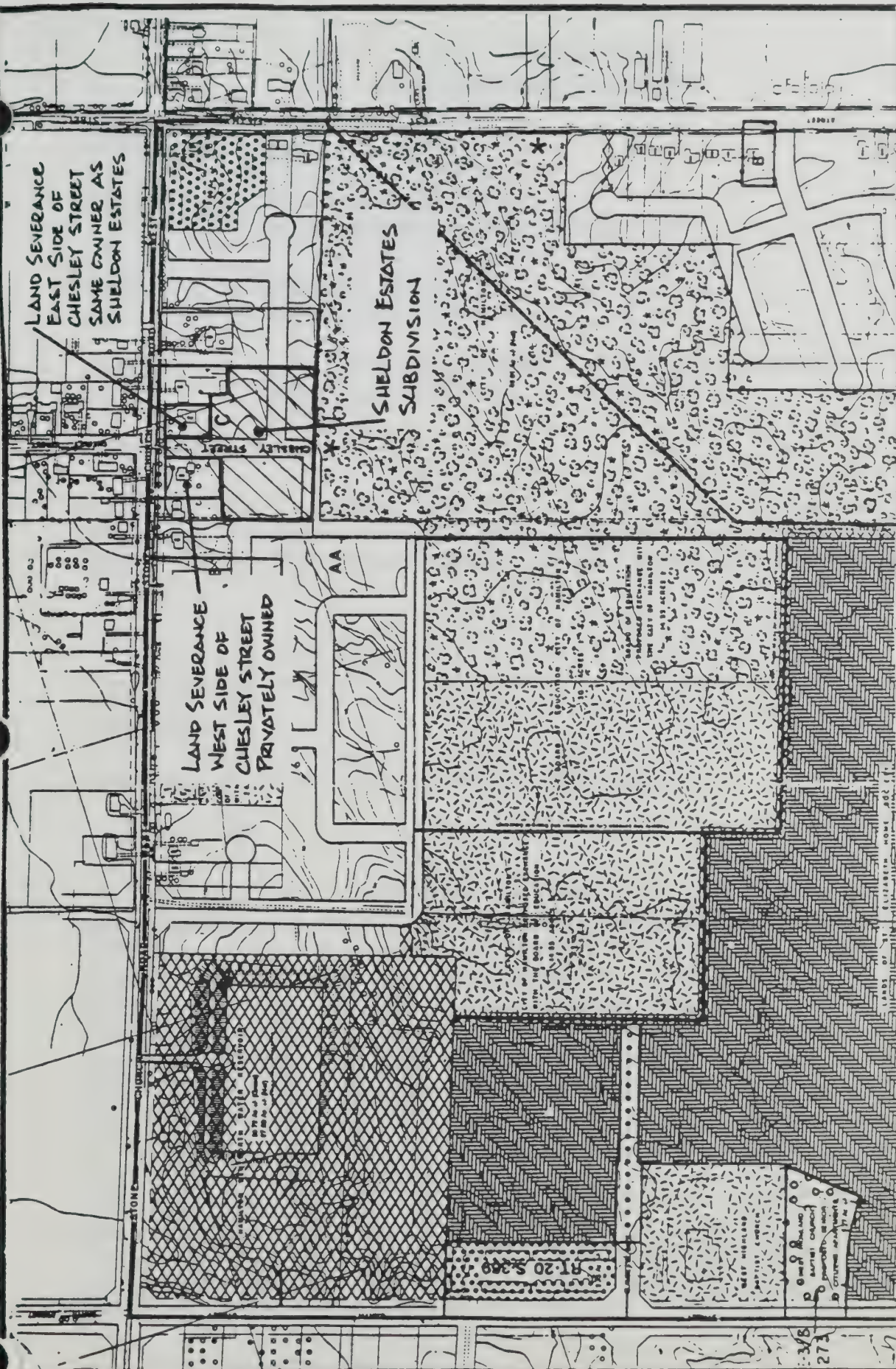
SHELDON ESTATES
SUBDIVISION

KEY PLAN

N.T.S.

SHELDON

APPROVED PLAN



D a l i

JAN 05 1994

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: Janaury 4, 1994


REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: HAMILTON EMERGENCY LOAN PROGRAMME
(H.E.L.P.)(94.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, five hundred and thirty five(\$1,535.00) be approved for Donna Hill, 108 Simcoe Street East, Hamilton. The interest rate will be 8 per cent amortized over 3 years.



L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially be a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized a Emergency Loan for Ms. Donna Hill, 108 Simcoe Street East in the amount of \$1,535.00. The roof has been repaired, and the Department recommends approval and authorization to request the Law Department to register a Lien on Title in the amount of \$1,535.00. at 8% interest and amortized over five (5) years.

c.c. R. Camani, Treasury
D. Powers, Law Department

Da)ii)

**CITY OF HAMILTON
- RECOMMENDATION -**

JAN 05 1994

DATE: Janaury 4, 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: HAMILTON EMERGENCY LOAN PROGRAMME
(H.E.L.P.)(94.2.4.2.1.A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of seven hundred and thirty six(\$ 736.00) be approved for Eleanor Rumpel, 50 East 36th Street, Hamilton. The interest rate will be 8 per cent amortized over 3 years.



L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially by a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

The Building Department, Loans Division, recently finalized a Emergency Loan for Ms. E. Rumpel, 50 East 36th Street in the amount of \$736.00. The plumbing has been repaired, and the Department recommends approval and authorization to request the Law Department to register a Lien on Title in the amount of \$736.00 at 8% interest and amortized over five (5) years.

c.c. R. Camani, Treasury
D. Powers, Law Department

Db)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: December 9, 1993
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee
FROM: L.C. King, P.Eng.
Building Commissioner
SUBJECT: FACADE LOAN PROGRAMME
LOAN INCREASE 294 OTTAWA STREET NORTH
(93.2.4.2.1.A)


RECEIVED

DEC 14 1993

CITY CLERKS

RECOMMENDATION:

That a loan increase of \$1,488 be approved for Mr. Baba Tooma, 294 Ottawa Street North under the Commercial Loan Programme. The total loan is now \$15,000.



L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

City Council at their meeting held August 31, 1993, approved a loan application under the subject programme in the amount of \$13,512. Since that time it has been deemed necessary that a variety of additional items be done to complete the project. The Building Department, Loans Division therefore recommends increasing the owner's application to a loan of \$15,000. The loan is amortized over 10 years at 2 7/8 per cent interest with a monthly payment of \$143.99. This represents an increase of \$1,488.

c.c. R. Camani, Treasury Department
D. Powers, Law Department

Deli)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: January 11, 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
63 CROOKS STREET - Tag Number 91116
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for
63 CROOKS STREET.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D

PRESENT USE: Single Family Dwelling

PROPOSED USE: New Single Family Dwelling

BRIEF DESCRIPTION: 1 storey brick and frame house

The owner wishes to demolish the existing house which is in poor to fair condition and erect a new dwelling. No LACAC interest. Lot size 45' x 82'.

The owner of the property as per the demolition permit is:

Ildeberto Thvares
57 Crooks Street
Hamilton, Ontario

CITY OF HAMILTON
- RECOMMENDATION -

De(ii)

DATE: January 11, 1994


REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
27 COMET AVENUE - Tag Number 91102
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for
27 COMET AVENUE.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: 1½ storey frame residence

The owner wishes to demolish the existing house which is in fair to poor condition. No LACAC interest. Lot size 42' x 100'.

The owner of the property as per the demolition permit is:

Ministry of Transportation
c/o Management Board Secretariat
P.O. Box 40
Jarvis, Ontario

Deriii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: January 11, 1994

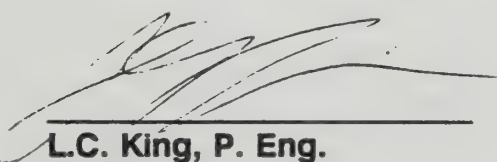
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1305 GOLF LINKS ROAD
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for
1305 GOLF LINKS ROAD.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: B

PRESENT USE: Single Family Dwelling

PROPOSED USE: Freeway

BRIEF DESCRIPTION: 1 storey brick veneer house

The building is to be demolished for the purpose of the Limeridge Road Freeway. No LACAC interest.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

CITY OF HAMILTON
- RECOMMENDATION -

Deliv

DATE: January 11, 1994

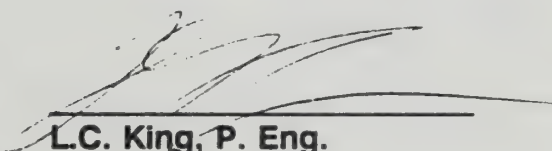
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1315 GOLF LINKS ROAD
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for
1315 GOLF LINKS ROAD.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND

PRESENT ZONING: B

PRESENT USE: Single Family Dwelling

PROPOSED USE: Freeway

BRIEF DESCRIPTION: 1½ storey brick veneer house

The building is to be demolished for the purpose of the Limeridge Road Freeway. No LACAC interest.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

CITY OF HAMILTON
- RECOMMENDATION -

Dev

DATE: January 11, 1994

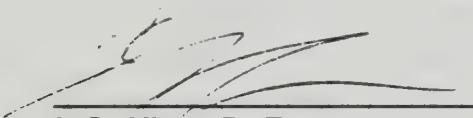
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
110 DARTNALL ROAD
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for
110 DARTNALL ROAD.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: M-11

PRESENT USE: Single Family Dwelling and Office (former Post Office)

PROPOSED USE: Freeway

BRIEF DESCRIPTION: 2 storey brick and frame building

This is a house/office which is to be demolished for the purpose of the Limeridge Road Freeway. No LACAC interest.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

CITY OF HAMILTON
- RECOMMENDATION -

Ea)
JAN 12 1994

DATE: 1994 January 10
ZA-91-60 & 25T-92010
Redhill Neighbourhood

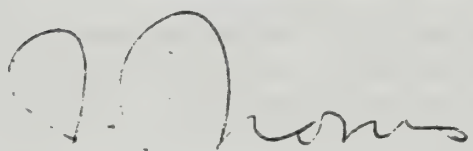
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

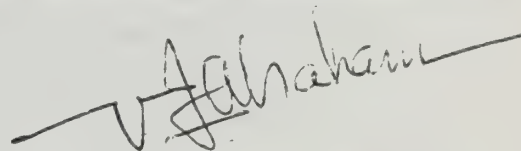
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: 1. Rezoning Application 91-60 - No. 164 Mount
Albion Road.
2. Draft Plan of Subdivision "Kemp Estates".

RECOMMENDATION:

1. That the City of Hamilton request the Region of Hamilton-Wentworth to "red line" revise the proposed draft plan of subdivision "Kemp Estates" (Regional file 25T-92010), to attach the lands below the "top-of-bank" to lot No. 9, in accordance with Appendix "C".
2. That the City Clerk advise the Region of Hamilton-Wentworth that conditions of approval for application 25T-92010, Ronald Kemp, owner, to establish a draft plan of subdivision, as approved by City Council on April 27, 1993, are amended to add the following condition:
 - xii. That the applicant submit a tree/vegetation preservation Clause and/or Schedule to the satisfaction of the City of Hamilton and the Ministry of Natural Resources.


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND:

• Rezoning, Subdivision and Waiver Applications

City Council at its meeting on April 27, 1993, adopted the recommendation of the Planning and Development Committee with respect to the above mentioned applications on the basis of the attached resolution (see Appendix "B").

- By-law 93-122

City Council at its meeting held on May 25, 1993, passed By-law 93-122 which rezoned the subject lands from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified. The effect of the By-law is to permit development of the subject lands for ten (10) single-family detached dwelling lots. In addition, the By-law requires a minimum setback of 7.6 m for any building or structure (except a fence) from the top-of-bank. The By-law came into effect on June 28, 1993.

- Niagara Escarpment Commission Objection - Referral to the Ontario Municipal Board

The Regional Planning Branch of the Planning and Development Department upon finalizing the above noted proposed draft plan of subdivision (see Appendix "D"), received a request from the Niagara Escarpment Commission to refer the plan to the Ontario Municipal Board. The objection deals with the N.E.C.'s request to exclude an Escarpment Natural Area below the "top-of-bank" from the subdivision. As a result of this action, the Regional Planning Branch convened a mediation meeting on May 4, 1993, with the Niagara Escarpment Commission (NEC), the Local Planning Branch, and the applicant in an attempt to resolve this matter. As a result of that meeting, the following options were discussed which, if accepted by the City of Hamilton, would most likely satisfy the concerns of the NEC and possibly avert the need to refer the matter to the OMB.

The NEC would be willing to reconsider their referral request if:

- the City of Hamilton reconsiders their condition of draft approval requiring the owner to pay 5% cash-in-lieu of land and request that the applicant's lands located beyond the defined top-of-bank be accepted as a "Block" and merged with the City owned lands to the west for parkland purposes, or;
- the City of Hamilton request the Region to "red line" revise the proposed plan of subdivision to attach the lands beyond the defined top-of-bank to an adjoining residential lot within the proposed draft plan of subdivision, or;
- the Hamilton Board of Education agrees to acquire the lands from the applicant and merge it with the adjoining school property.

COMMENTS:

In a letter dated November 26, 1993, the owners planning consultant requested "that the plan of subdivision be revised so that the area below the top-of-bank remains with only one of the residential lots." (i.e. Lot 9 - Appendix "C"). The owners request to include the area below the top-of-bank with one lot is consistent with Option 2. Although it may not be acceptable to Niagara Escarpment Commission staff, it is the most viable option. In this regard, Options 1 and 3 have been effectively eliminated.

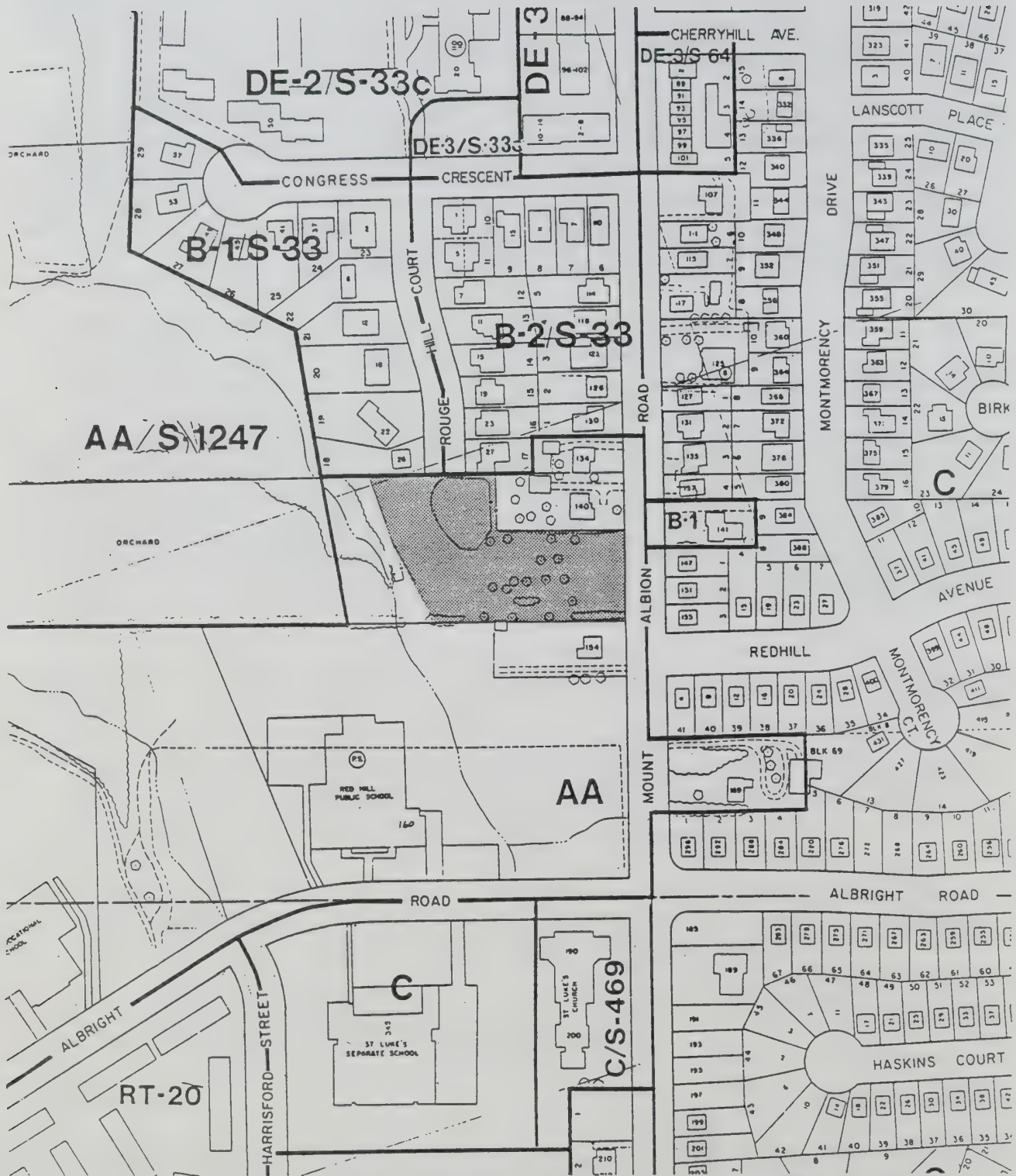
More specifically, with respect to Option 1, the Parks Staff Sub-Committee reviewed the possible acquisition of the lands as part of the 5% parkland payment and identified that the lands are not essential for Park purposes. Consideration of acquisition would be on the basis of their actual value (unusable for Park purposes due to steep slopes). With respect to Option 3, the Hamilton Board of Education has advised that it is not interested in acquiring the lands.

Subsequently, the Ministry of Natural Resources advised of their concern respecting the preservation of trees and vegetation up to the top-of-bank on the plan of subdivision (see APPENDIX "D"). This portion of the subject lands is contiguous to a ravine system. Accordingly, it would be appropriate to require the applicant to enter into a registered subdivision agreement which includes a tree/vegetation preservation Clause and/or Schedule to the satisfaction of the City and the Ministry of Natural Resources.

CONCLUSION:

On the basis of the foregoing, it is recommended that the City of Hamilton request the Region of Hamilton Wentworth to "red line" revise the proposed draft plan of subdivision "Kemp Estates" (Regional File 25T-92010) to attach the lands below the "top-of-bank" to lot No. 9, in accordance with Appendix "C". In addition, the applicant should be required to submit a tree/vegetation preservation Clause and/or Schedule to the satisfaction of the City and Ministry of Natural Resources.

GAW/PM/mm
ZA9160R



Legend



Site of the Application

2A-91-60

APPENDIX A

5

CITY COUNCIL

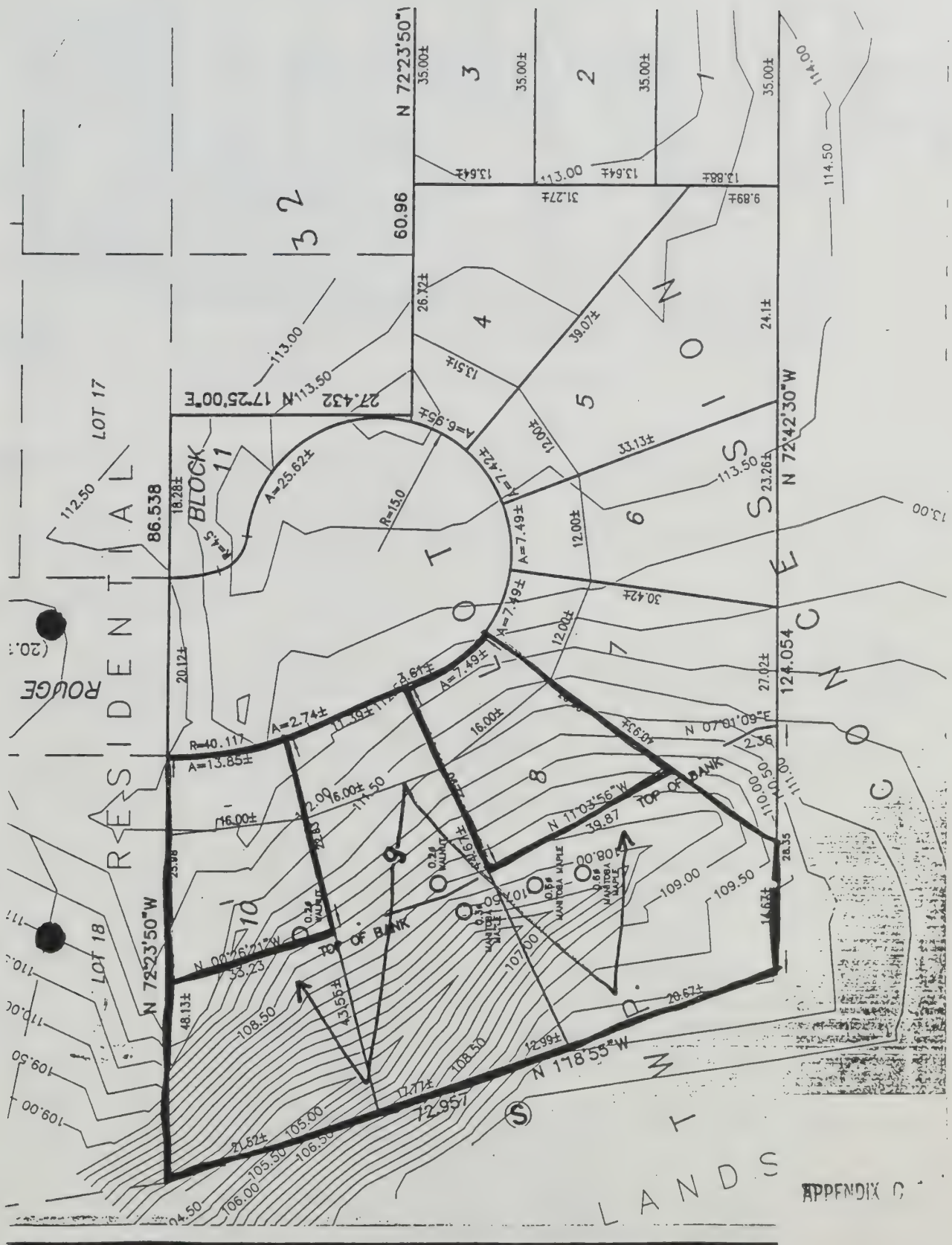
April 27, 1993

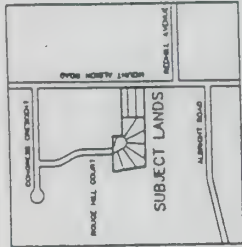
- A. That approval be given to amended Zoning Application 91-60, R.V. Kemp (in Trust), owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified, to permit single-family detached dwellings on property located at No. 146 Mount Albion Road, as shown on the attached map marked as Appendix "B", on the following basis:
- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (b) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - i. Notwithstanding Sections 9(3)(ii) and 9(3)(iii) of By-law No. 6593, every building and structure, except a fence, shall be set back not less than 7.6 m from the "top of bank" as established by a survey according to the Hamilton Region Conservation Authority as shown on Appendix "B", extending along the westerly boundary between the "C" (Urban Protected Residential, etc.) District and the "AA" (Agricultural) District;
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1309 and that the subject lands on Zoning District Map E-87 be notated S-1309;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-87 for presentation to City Council;
 - (e) That the proposed change and modification in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- B. (a) That approval be given to application 25T-92010, Ronald Kemp, owner, to establish a draft plan of subdivision in the area west of Mount Albion Road, and south of the T.H. & B. Railway Line, subject to the following conditions:
- i. That approval apply to the plan prepared by Ashenhurst Nouwens Limited, dated October 22, 1992, showing 10 lots for single family dwellings, and a Block for future residential purposes.
 - ii. That the final plan conform with the Zoning By-law approved under the Planning Act.
 - iii. That the street be dedicated to the City of Hamilton as public highway in the final plan.
 - iv. That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - v. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

- vi. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the net area of the subdivision in the final plan.
- vii. That the owner pay an amount equivalent to 5% of the land to the City of Hamilton for park purposes in accordance with the Planning Act.
- viii. That the owner establish a 9.0m radius on the east side of the road on the transition curve cul-de-sac bulb on Rouge Hill Court.
- ix. That the applicant be required to enter into subdivision agreements with both the City and Region prior to the development of any portion of these lands.
- x. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
- xi. That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application(25T-92010), Ronald Kemp, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

- C. (a) That the request by Planning Initiatives, on behalf of R. Kemp, to waive the requirement of a Feasibility Study and Impact Analysis to permit the development, be approved; and,
- (b) That the Regional Municipality of Hamilton-Wentworth be requested to concur with the decision of the City of Hamilton to waive the requirement of a Feasibility Study and Impact Analysis.





KEY PLAN

NOT TO SCALE

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

OWNER'S CERTIFICATE

IN ACCORDANCE WITH SECTION 50(2) OF THE PLANNING ACT 1983, I HEREBY AUTHORIZE ASHENHURST NOUWENS LIMITED TO SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE REGIONAL MUNICIPALITY OF HAMILTON FOR APPROVAL

DATE OCT. 28/92

RONALD KEMP
OWNER

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED, AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS, ARE ACCURATELY SHOWN.

DATE Oct 28/92

JOHN P. NOUWENS
ONTARIO LAND SURVEYOR

SCHEDULE : RE : SECTION 50(2)

- A. SHOWN
B. SHOWN
C. SHOWN
D. RESIDENTIAL - SINGLE FAMILY
E. SHOWN
F. SHOWN

- G. SHOWN
H. MUNICIPAL WATER
I. CLAY
J. SHOWN
K. MUNICIPAL SERVICES TO BE AVAILABLE
L. SHOWN

DRAFT PLAN OF

KEMP ESTATES

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 32, CONCESSION 4
IN THE GEOGRAPHIC TOWNSHIP OF SALTFLEET

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:500
JOHN P. NOUWENS ONTARIO LAND SURVEYOR - 1992

ASHENHURST NOUWENS LIMITED

Professional Engineers & Ontario Land Surveyors

201-315 YORK BLVD.

HAMILTON, ONTARIO L8R 3K5

(416) 529-6316

(416) 529-4314

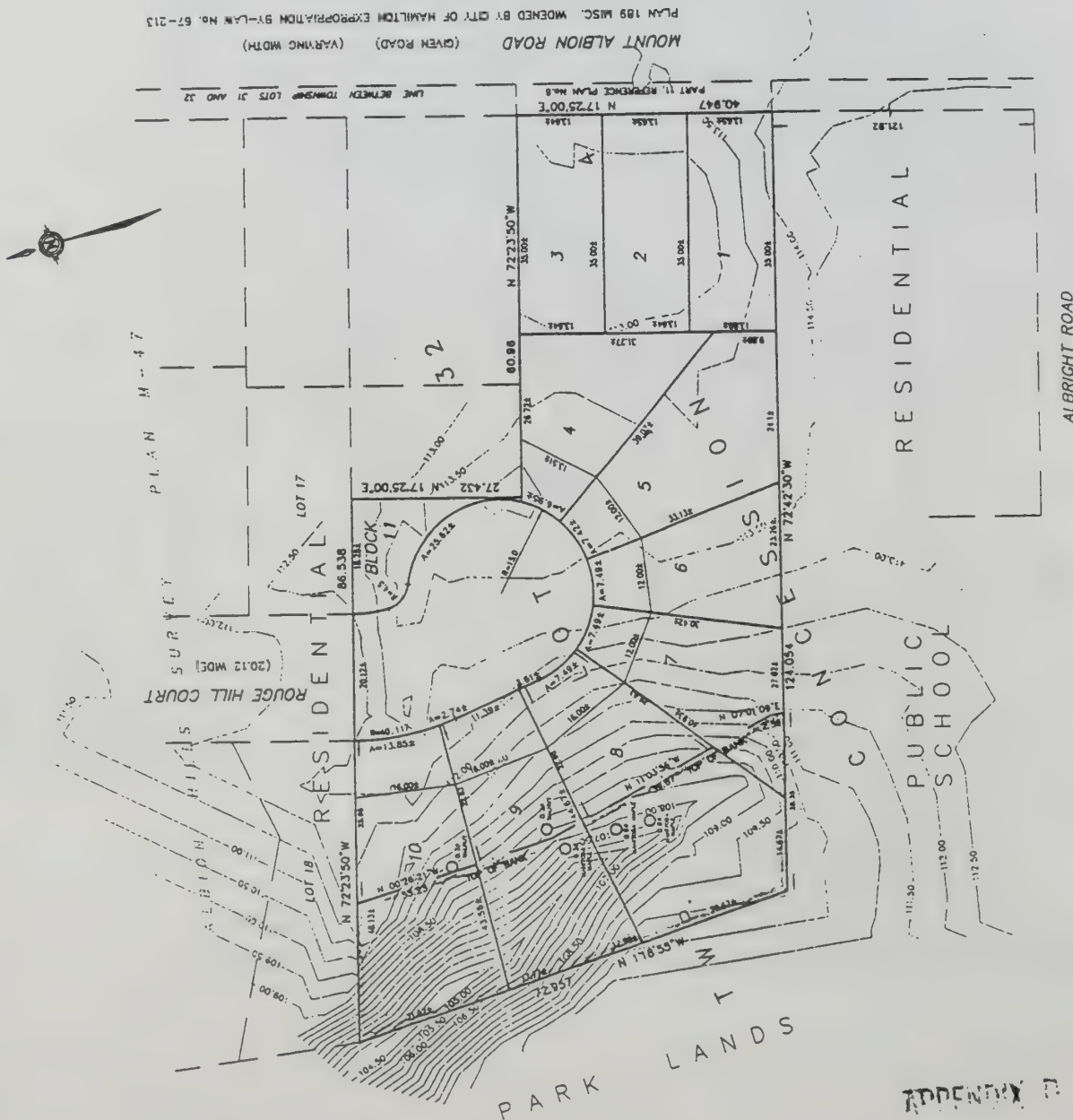
FAX (416) 529-6651

DRAWN BY M.T.

OCT. 22/1992

CHK'D BY J.P.N.

FILE No. 912040PD



APPENDIX D

E67

JAN 12

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 January 11
(Regional File 25T-83004)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee


FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Revised Plan of Subdivision
"Wisemount Estates"
(formerly "Wisemount Forest Survey - Phase 3")

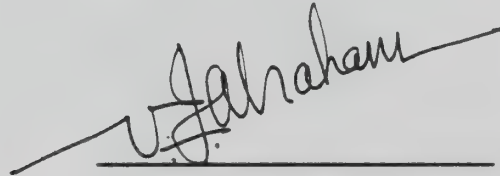
RECOMMENDATION:

- a) That approval be given to the request by Mr. A. Cameracci of Urbex Engineering Limited on behalf of 822827 Ontario Inc. (Mr. A. DiSilvestro) owner, to revise a part of the draft plan approval for "Wisemount Estates" subdivision (formerly "Wisemount Forest Survey - Phase 3") to delete Blocks 151, 152 and 153 in the original draft approval and create four (4) new blocks for residential purposes and three (3) blocks for road widening and day-lighting purposes, subject to the following conditions:
- 1) That this approval apply to the plan, prepared by S.J. Balaban, O.L.S., dated November 19, 1993, showing four (4) blocks for residential purposes and three (3) blocks for road widening purposes with the following revision in red:
 - i) That Block 4 in the Design Criteria and Land Use Schedule be revised by adding the word "Apartments" after the words "Low & Medium Density" under the "Use" column to clarify that the lands are intended for apartment development in accordance with the approved Lisgar Neighbourhood Plan.
 - 2) That the owner enter into a subdivision agreement with the City of Hamilton prior to any development of any portion of these lands;
 - 3) That all road widenings, Blocks "5" and "6" and a 12.0m x 12.0m day-light triangle, Block "7", be dedicated to the City of Hamilton by Certificate on the Final Plan; and,

- 4) That the alignment of Lockheed Drive, on the revised Final Plan, east of Castle Street, conform to the Plan submitted by Urbex Engineering, dated November 1993, shown as Project Number 93-588, Sheet 1A;
- b) That the Lisgar Neighbourhood Plan be amended by deleting the designated walkway; and,
- c) That the Regional Commissioner of Planning and Development be advised of Council's decision.



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



V.J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

822827 Ontario Inc. (A. DiSilvestro), owner

Agent:

A. Cameracci, P. Eng., Urbex Engineering Limited

Location:

The lands, comprising 3.5092 hectares are located at the north-west corner of Upper Kenilworth Avenue and Limeridge Road East in the Lisgar Neighbourhood, City of Hamilton (location plan attached as Attachment "A").

Proposal:

The owner is proposing to delete Blocks 151, 152 and 153 in the original draft approval (part of plan attached as Attachment "B") and to create four (4) new blocks for residential purposes and three (3) blocks for road widening purposes (revised plan attached as "Attachment "C").

History:

The "Wisemount Estates" subdivision (formerly "Wisemount Forest Survey - Phase 3) was originally draft approved on November 14, 1983 and is being registered on phased basis. Since the approval was granted under the provisions of the "old" Planning Act, it's approval is subject to lapsing. The current lapsing date is May 14, 1996.

Existing Development Controls:

Hamilton-Wentworth Official Plan The lands are within the "Urban Policy Areas" and identified as "Existing Development". The proposal complies.

City of Hamilton Official Plan The lands are designated "Residential". The proposal complies.

Neighbourhood Plan The lands are designated "Low Density and Medium Density Apartments". The proposal does not comply with the Neighbourhood Plan which provides for a pedestrian walkway from Locheed Drive to Upper Kenilworth Avenue. An amendment would be required to delete the walkway from the Neighbourhood Plan.

Zoning The lands are zoned "E-2/S-166" (Multiple Dwellings). The proposal complies.

Comments from Circulation:

The Hamilton-Wentworth Roads Department submitted the following comments and recommendations:

"FOR INFORMATION:

- (1) *Municipal storm and sanitary sewers are available to service all Blocks on the Final Plan.*
- (2) *Municipal watermains of sufficient size and capacity are available to service all Blocks on the Final Plan.*

- (3) *There will be no Regional Share for the cost of services for this development since there is oversizing of underground services required.*
- (4) *The Hamilton Street and Railway have advised that their office has no comment regarding the revised draft Plan of Subdivision.*

RECOMMENDATIONS:

- (1) *The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.*
- (2) *The owner must enter into a subdivision agreement with the Regional Municipality of Hamilton-Wentworth, prior to the development of any portion of these lands.*
- (3) *That all Road Widening, Blocks 5, 6 and a 12.0 x 12.0 metre day-light triangle, Block 7, be dedicated to the City of Hamilton by Certificate on the Final Plan.*
- (4) *That the alignment of Lockheed Drive, on the revised Final Plan, east of Castle Street, conform to the Plan submitted by Urbex Engineering, dated November 1993, shown as project number 93-588, Sheet 1A. This recommendation is further to our memo to your office December 7, 1993.*

The submitted plan as prepared by S.J. Balaban, O.L.S., and dated November 19, 1993, is satisfactory to the Transportation/Environmental Services Group subject to the above noted comments and recommendations".

The Hamilton Traffic Department advises that:

"... The applicant should be advised that because Block 1 is located adjacent to a possible site for signalization, access to the north driveway may be restricted to right-turn-in/out only. We suggest that the applicant may want to consider increasing the amount of frontage on Upper Kenilworth Avenue in order that the driveway can be set further from the intersection thereby avoiding any traffic islands. This could be accomplished by switching Block 1 and Block 2."

COMMENTS:

- 1. The Neighbourhood Plan Section advises that they do not object to the deletion of the walkway from the approved Neighbourhood Plan.
- 2. The proposal is consistent with the land use designations in the Official Plan and the approved Lisgar Neighbourhood Plan.

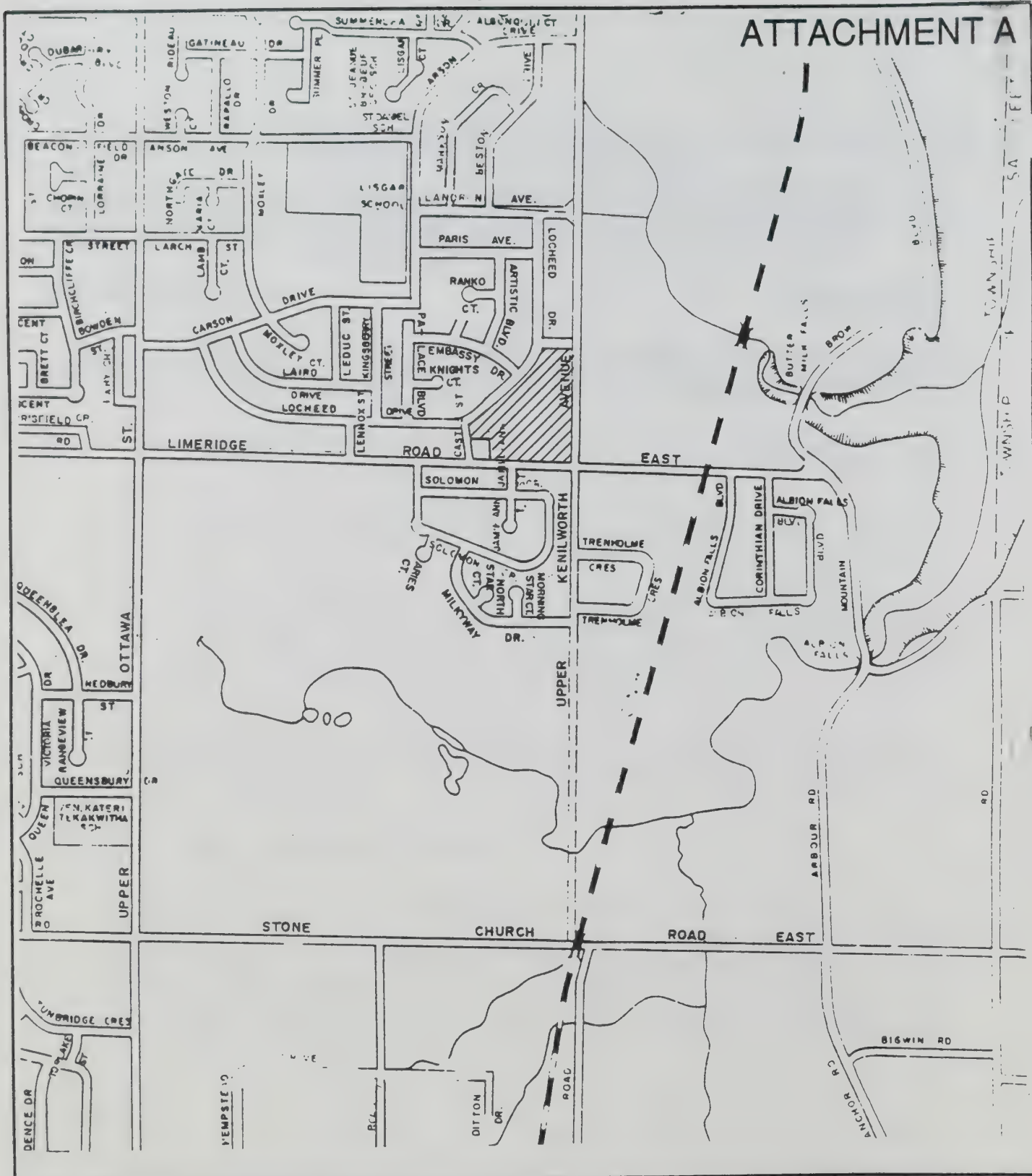
3. There were no objections received as a result of the circulation of the proposal.
4. The applicant has verbally advised that the suggestion by the Traffic Department to extend the amount of frontage on Upper Kenilworth Avenue to avoid any traffic islands has been considered and is not of concern to the developer.

CONCLUSION:

Subject to the conditions requested by the Roads Department, and the conditions in the original draft approval, the proposal to revise the draft approval can be supported.

RL\Attach.
subdiv\t-83004.rep

ATTACHMENT A



WISEMOUNT FOREST SURVEY (Phase 3) (REVISED)

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North

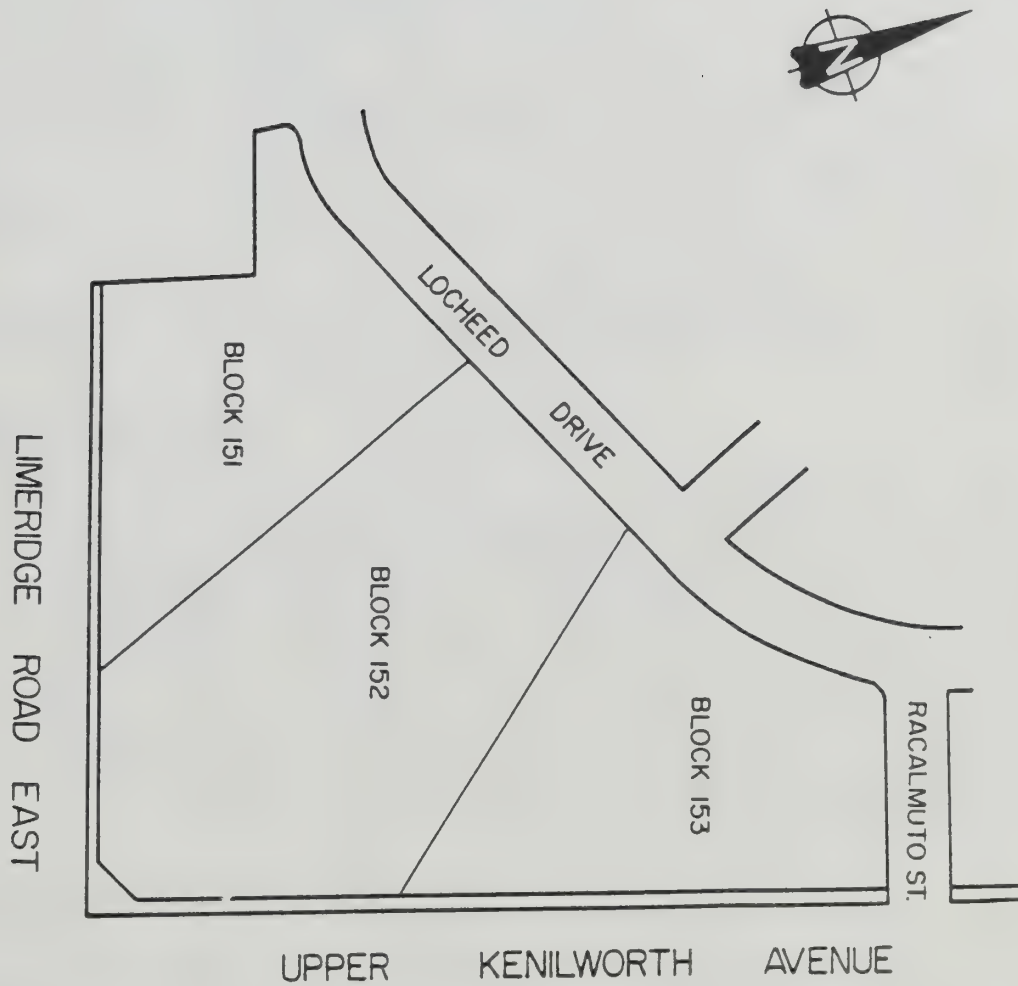


Scale
1" = 1000'

Date
NOV. 1993

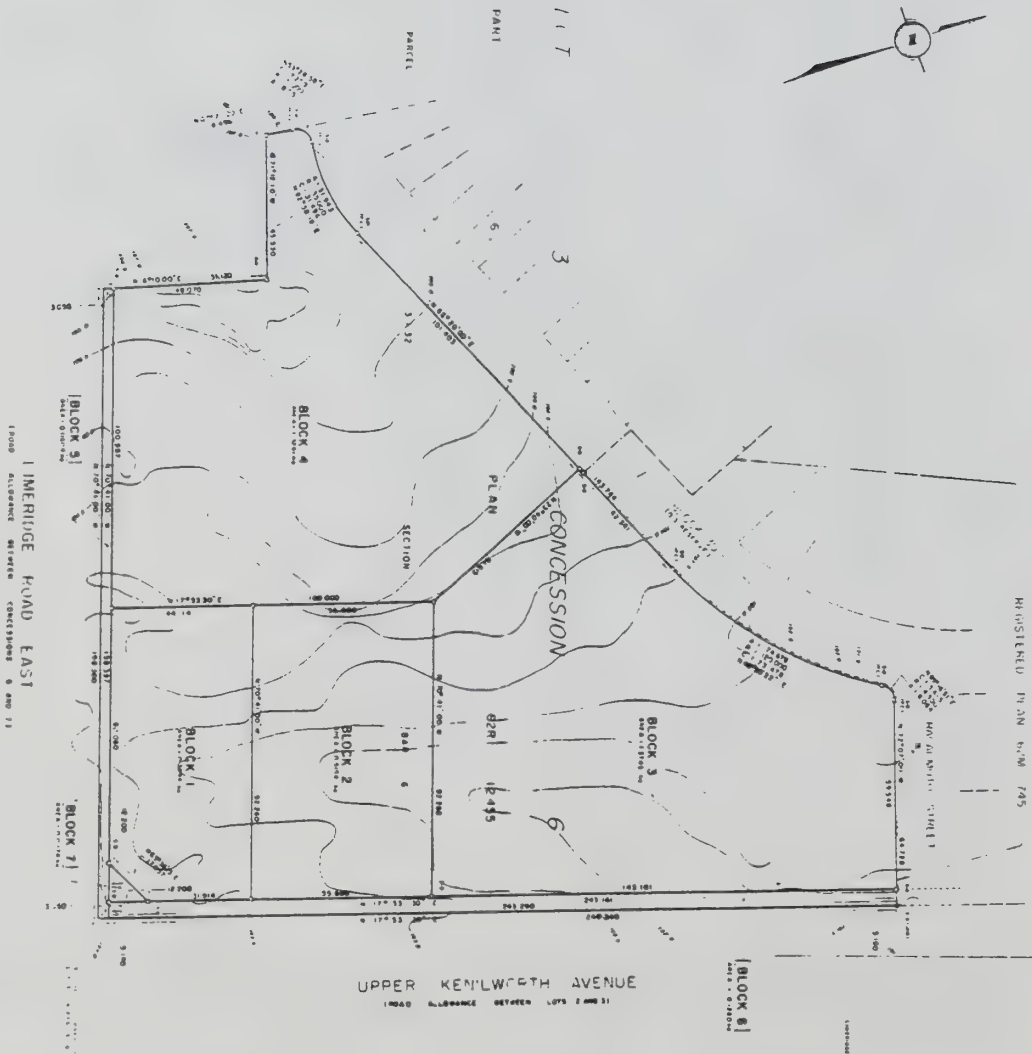
Reference File No.
25T-93004 Revised

Drawing No.
P. W.



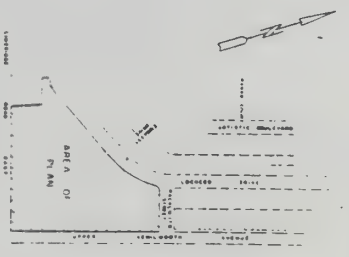
ORIGINAL DRAFT APPROVAL

Regional Municipality of Hamilton-Wentworth
Planning and Development Department



[BLOCK 6]

KEY PLAN



DRAFT PLAN OF SUBDIVISION (AMENDMENT)

THIS DRAFT PLAN OF SUBDIVISION IS SUBMITTED TO THE REGISTRY OF DEEDS FOR REGISTRATION AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

REGISTERED PLAN NO. 121

| PLAN | AREA | PERCENTAGE |
|---------|------|------------|
| Block 1 | 1.00 | 1.00 |
| Block 2 | 1.00 | 1.00 |
| Block 3 | 1.00 | 1.00 |
| Block 4 | 1.00 | 1.00 |
| Block 5 | 1.00 | 1.00 |
| Block 6 | 1.00 | 1.00 |
| TOTAL | 6.00 | 6.00 |

| PLAN | AREA | PERCENTAGE |
|---------|------|------------|
| Block 1 | 1.00 | 1.00 |
| Block 2 | 1.00 | 1.00 |
| Block 3 | 1.00 | 1.00 |
| Block 4 | 1.00 | 1.00 |
| Block 5 | 1.00 | 1.00 |
| Block 6 | 1.00 | 1.00 |
| TOTAL | 6.00 | 6.00 |

URBEX ENGINEERING LTD
HAMILTON, ONTARIO
DRAFT PLAN FOR WISEMOUNT FOREST SURVEY (Phase 3) (REVISED)
HAMILTON, ONTARIO

OWNER'S CERTIFICATE

DATE OF THIS CERTIFICATE

DATE OF THIS CERTIFICATE

DATE OF THIS CERTIFICATE

DATE OF THIS CERTIFICATE

DATE OF THIS CERTIFICATE

DATE OF THIS CERTIFICATE



ID BARNES

SUBDIVISION ENGINEERING

Ec)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: January 11, 1994
Bonnington Neighbourhood
ZAR-93-34

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for removal of the 'H' (Holding) Symbol - No. 682
Upper James Street.

RECOMMENDATION:

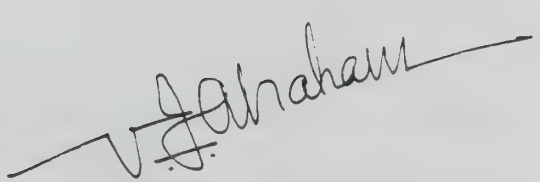
- A. That approval be given to Zoning Application 93-34, Dr. Anthony Tartaglia, prospective owner, requesting removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit conversion of the existing building for a chiropractors office, and that the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 92-244, and Zoning District Map W-8 for presentation to City Council, for lands located at No. 682 Upper James Street, as shown on the attached map marked as Appendix "A". The 'H'(Holding) provision was placed on the lands until such time as the applicant/owner has applied for and received approval of a Site Plan.

EXPLANATORY NOTE:

The purpose of this By-law is to remove the 'H' (Holding) symbol, for lands located at No. 682 Upper James Street, as shown on the attached map marked as Appendix "A". The 'H' (Holding) provision was placed on the lands until such time as the applicant/owner has applied for and received approval of a Site Plan. In this regard, a Site Plan was submitted and has been approved by the City.

The effect of the By-law is to permit conversion of the existing building for a chiropractors office, in accordance with the special provisions set out under By-law No. 92-244.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- By-law No. 92-244

On September 29, 1992, City Council passed By-law 92-244 which provides for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified, for properties located on the west side of Upper James Street between Wembley and South Bend Roads (Nos. 676 to 712 Upper James Street). The effect of the By-law was to permit limited residential (single-family and one dwelling unit in the same building with a permitted commercial use), and limited commercial uses within the existing buildings only, including among other uses, business or professional person's offices. In this regard, the proposal is to permit conversion of the existing building having a maximum gross floor area of 72.5 m² (780.4 sq. ft.) located at No. 682 Upper James Street into a chiropractors office. The 'H' (Holding) symbol was placed on the lands until such time as the applicant/owner has applied for and received approval of a site plan.

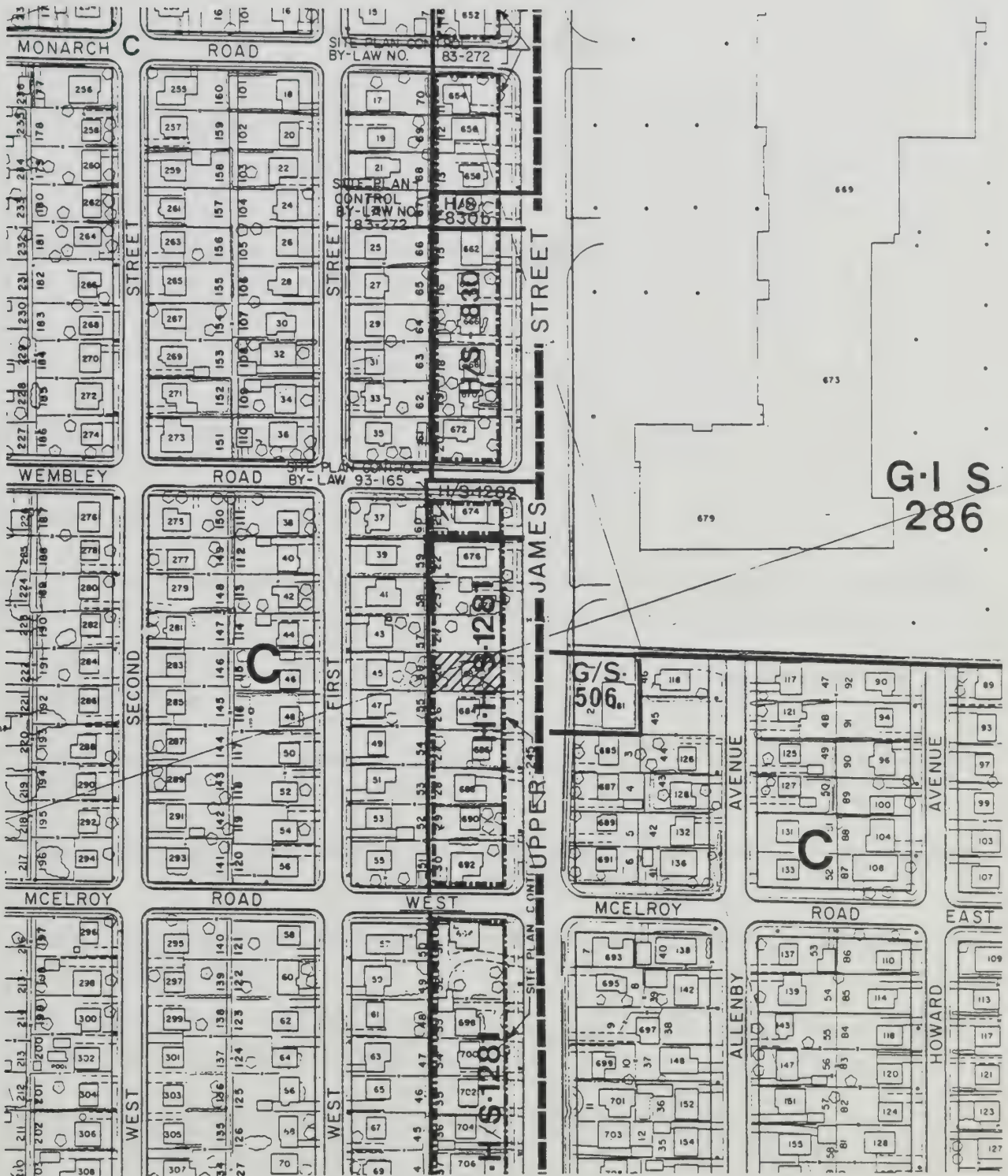
- Site Plan Application (DA-93-28)

On November 26, 1993, plans and drawings were approved under Site Plan Control Application DA-93-28, subject to various conditions. On January 11, 1994, the conditions of approval were completed.

CONCLUSION:

On the basis that a Site Plan has been approved by the City, it is appropriate to remove the 'H' (Holding) symbol from the above property.

GAW/
WPZAR9334



Legend



Site of the Application

ZAR-93-34

F.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 January 13

REPORT TO: Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Regional Environmental Services, Surplus lands at Patterson Road, dated 1993 November 26.
- (b) Transportation Association of Canada, New Visions in Urban Transportation Symposium, dated 1993 December 1.
- (c) Regional Clerks Office, referral of Hamilton Official Plan to the Ontario Municipal Board - 412 Charlton Avenue West, dated 1993 December 8.
- (d) Ministry of Municipal Affairs, Reform of Planning and Development System, dated 1993 December 14.
- (e) Federation of Canadian Municipalities, Request for resolution for Conference in June 1994, dated 1993 December 20.
- (f) Ministry of Municipal Affairs, Guide to Provincial Planning Applications, dated 1993 December 20.
- (g) Planning Department, Site Plan Taco Bell - 460 Main Street West, dated 1993 December 30.

T. Agnello

Planning and Development Committee

1994 January 13

Page 2 - continued

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be official received.

TA/dbm

URBAN/MUNICIPAL

CA4 ON HBL A05
CS1P4
1994



Urban Municipal
Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 February 02
9:30 o'clock a.m.
Room 233, City Hall

A handwritten signature in dark ink, appearing to read "Tina Agnello".

Tina Agnello, Secretary
Planning and Development Committee

AGENDA:

9:30 O'CLOCK A.M.

PUBLIC MEETING

1. Zoning Application 93-41, Buckingham York Ltd., owner, for a modification to the established "E-3" District regulations, for lands located at Nos. 150-152 Catharine Street South; Corktown Neighbourhood.

2. REFERRAL BACK FROM COUNCIL

Zoning Application 93-35, DiCenzo Construction Company Limited for Property Located at Lands West of Upper Gage Avenue and North of Terni Boulevard.

U..BAN M

JAN . . 1994

GOVERNMENT DOCUMENTS

3. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) Zoning Application 93-17, Latco (1986) Developments Limited, owner, for a further modification to the "E" District regulations, for lands located at No. 85 Robinson Street; Durand Neighbourhood. (previously tabled)

Submissions since meeting of December 1993:

- i) Al Fletcher, Fothergill Planning
135 James Street South, Suite 1015, Hamilton
 - ii) Helene Fallen, President
Durand Neighbourhood Association Inc., Hamilton
 - iii) George G. Mills, 316 James Street South, Hamilton
 - iv) Dr. Stuart Martin, 66 Charlton Avenue West, Hamilton
- (b) Regional Official Plan - City Comments: Towards a Sustainable Region
(previously tabled)

4. CONSENT AGENDA

5. CONFIDENTIAL

6. OTHER BUSINESS

7. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

| Item No. | Item | Original Date | Action | Status |
|----------|--|------------------|--|---|
| 1. | Mobile Signs | | Planning | Report Pending |
| 2. | C.I. 90-F - Parking requirements in the Central Business District | 1990 July 25 | Planning | Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee |
| 3. | ZA-91-12 - 25 Hess Street South | 1992 June 24 | Applicant | Tabled for negotiations between parties |
| 4. | Definition of "Foster Home" and "Residential Care Facility" | 1992 November 18 | Alderman T. Cooke | Planning & Building Departments to prepare a report |
| 5. | Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots | 1993 February 3 | Alderman H. Merling | Tabled to allow previous Sub-Committee to review matter |
| 6. | Implementation of Public Participation Policies - Central Area Plan | 1993 March 24 | Planning | Planning to prepare guidelines based on CAPIC Report dated 1993 March 11 |
| 7. | Front Yard Parking Regulations - Review for Designated Residential Properties and Older Neighbourhoods | 1993 July 21 | Planning & Traffic | Tabled to allow review by Staff |
| 8. | Possible amendment to By-law 77-224 Re: Pumps and Filters for Swimming Pools | 1993 October 6 | Building Commissioner and Director of Local Planning | Report Pending |

| Item No. | Item | Original Date | Action | Status |
|-----------------|---|----------------------|--------------------------------------|--|
| 9. | Closure of Walkway between Fonthill Road and Upper Paradise Road | 1993 November 3 | Transport and Environment Committee | Awaiting recommendation on assumption of walkway |
| 10. | Review of Parking Lot Regulations - Minimum lighting requirement for safety | 1993 November 3 | Planning | Report Pending |
| 11. | ZA-93-17 LATCO Developments Ltd., 85 Robinson Street | 1993 December 8 | Applicant, Staff & Residents to meet | Tabled to 1994 Feb. 2 |
| 12. | Response: Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan | 1993 December 8 | Ald. Merling | Tabled to 1994 Feb. 2 |

Tina Agnello, Secretary
1994 January 28

1.

CITY OF HAMILTON

JAN 26 1994

- RECOMMENDATION -

DATE: 1994 January 25
ZAR-93-41
Corktown Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification in zoning - Nos. 150 - 152
Catharine Street South.

RECOMMENDATION:

1. That approval be given to amended Zoning Application 93-41, Buckingham York Ltd, owner, requesting a modification to the "E-3" (High Density Multiple Dwellings) District, to permit the use of lands for a temporary public parking lot not to exceed three years, for the properties located at Nos. 150-158 Catharine Street South, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That Section 12(b) of the FIFTEENTH Report for 1990 of the Planning and Development Committee to Council, applicable to 156-158 Catharine Street South be repealed in its entirety.
 - ii) That the "E-3" (High Density Multiple Dwellings) District regulations, as contained in Section 11C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - a) That notwithstanding Section 11C(1)(i) of By-law No. 6593 and in accordance with Section 39 of the Planning Act, R.S.O., 1990, a temporary public parking lot for the parking of motor vehicles in accordance with the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of By-law No. 6593, for a three year period from the date of the passing of the by-law, shall be permitted;
 - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-5 be notated S- ;

- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;
 - v) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- 2) That the amending by-law not be forwarded to Council until such time as the applicant has demolished the existing buildings at 150-152 Catharine Street South within ninety (90) days of the passage of this Council Resolution and in default thereof, this approval resolution shall cease and no longer be in force.
 - 3) That the Licensing Division be directed to hold in abeyance the issuance of a "Garage D" license for the proposed temporary public parking lot on the subject lands until there is confirmation that the applicant has applied for and received Site Plan Approval.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a modification to the "E-3" (High Density Multiple Dwellings) District, for the properties located at Nos. 150, 152, 156 - 158 Catherine Street South, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the use of the subject lands for a temporary public parking lot for the parking of motor vehicles not to exceed three years. Development of the temporary public parking lot will be in accordance with the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of By-law No. 6593, which provides for the following, amongst others:

- a landscaped area having a minimum average width of 2.0 m (6.56') but no less than 1.0 m (3.28') in width, to be provided and maintained along the entire street line of the lot except for access driveways;
- an area landscaped with a planting strip of not less than 1.5 m (4.92') in width to be provided and maintained along and within every side lot line and rear lot line that abuts a residential district or use; and,
- a visual barrier not less than 1.2 m (3.94') and not more than 2.0 m (6.56') in height to be provided and maintained along every side lot line and rear lot line which adjoins a residential district or use, except that no visual barrier can be situated less than 3.0 m (9.84') from the lot line.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is proposing to modify the existing "E-3" (High Density Multiple Dwellings) District provisions to permit a temporary parking lot in accordance with Section 39 of the Planning Act.

- Demolition Control By-law

In April, 1990, an application was made for a demolition permit for the two historical dwellings at 150 - 152 Catharine Street South. At that time, it was the applicant's intent to develop the subject lands for a high rise apartment building.

Council, at its meeting of May 29, 1990, approved the Planning and Development Committee's recommendation to place the buildings under Demolition Control, in accordance with Section 33 of the Planning Act.

On February 4, 1992, the owner requested the Demolition Control By-law be rescinded on the subject lands since no action had been taken to have the buildings preserved. Further, due to the buildings deteriorated condition, the Building Department had requested the owner to either fix up the dwellings or proceed with the rezoning for a parking lot use as proposed (ZA-90-47).

On March 25, 1992, the Planning and Development Committee approved the revoking of Demolition Control, subject to a condition of rezoning for the temporary parking lot use. On March 31, 1992, City Council adopted this recommendation.

- Zoning Application ZA-90-47

In May 1990, the applicant submitted an application to zone the subject lands and the lands to the south (156-158 Catherine Street South) for "temporary use" as a parking lot.

Council, at its meeting of August 28, 1990, denied the application as submitted, on the basis that a portion of the subject lands (150-152 Catharine Street South) is occupied by two "listed" heritage buildings. In this regard, City Council previously denied the applicant's request for a demolition permit and placed the lands under Demolition Control.

However, approval was given to an amended application for a modification to the "E-3" (High Density Multiple Dwellings) District to permit a temporary parking lot not to exceed three years, for only those lands located at Nos. 156-158 Catharine Street South subject to the following:

- a minimum 1.5 m wide landscaped strip and a 1.2 to 2.0 m high visual barrier being provided and maintained along the northerly and westerly lot lines;
- a minimum 1.5 m wide landscaped strip being provided and maintained along the easterly and southerly lot lines except for any area(s) used for vehicular access; and,
- the amending By-law not be passed by City Council until a Site Plan has been approved by the Planning and Development Committee.

To-date, the applicant has not filed a site plan application and, consequently, an amending By-law has not been forwarded for Council's adoption.

APPLICANT:

Buckingham York Ltd., owner.

LOT SIZE AND AREA:

The subject property has:

- a lot frontage of 13.53 metres (44.04 feet) on Catherine Street South;
- a lot depth of 39.67 metres (130.17 feet); and,
- a lot area of 499.12 m² (5732.69 ft²).

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|--|--|
| <u>Subject Lands</u> | Vacant Dwellings | "E-3" (High Density Multiple Dwellings) District |
| <u>Surrounding Lands</u> | | |
| to the north | Row Housing | "E-3" (High Density Multiple Dwellings) District |
| to the east | Apartment Building and Single Family Dwellings | "E-3" (High Density Multiple Dwellings) District |
| to the south | Commercial Plaza | "CR-2" (Commercial - Residential) District, modified |
| to the west | Service Station and Church | "H" (Community Shopping and Commercial, etc.) District |

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, apply;

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together."

Parking lots are not a permitted use in the **Residential** designation. Parking is permitted however, on a temporary basis in accordance with the following policy.

"B.3.3.9 In accordance with The Planning Act, and Sub-section D.3 of this Plan, those lands that are vacant and which may be advantageously utilized to relieve PARKING difficulties in the City may be authorized by Council to be used as "temporary" PARKING lots, subject to the following:

- i) Temporary PARKING areas will not unduly impede pedestrian movement, or the use of Residential, Open Space or other public lands;
- ii) Temporary PARKING areas will be sited and designed to reflect the best interests of the local area;
- iii) The use of such vacant lands for temporary PARKING will not exceed three (3) years; and
- iv) Notwithstanding the above, Council may extend approval for temporary PARKING for additional periods as provided for in clause iii) above, upon termination of the approval period where specific application to Council for such extended approval is made."

The following with respect to the heritage buildings on the subject lands applies:

"C.6.1 It is the intent of Council to encourage the preservation, maintenance, reconstruction, restoration, and management of property that is considered to have historic, architectural, archaeological or aesthetic value."

The policies regarding Neighbourhood Plans recognize temporary uses.

"D.2.2 The detailed planning for the distribution and location of various land uses in each PLANNING UNIT will be determined or reviewed through the preparation of NEIGHBOURHOOD PLANS. In this regard, Council will ensure that all new development and/or redevelopment complies with the provisions of this Plan and the NEIGHBOURHOOD PLAN. However, Council may permit a minor extension to or the intensification of an existing use or a use that is deemed temporary which does not meet the intent of the NEIGHBOURHOOD PLAN, provided that such a use is appropriately regulated in the Zoning By-law."

Based on the foregoing, the proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "High Density Apartments" in the approved Corktown Neighbourhood Plan. The proposal for temporary parking does not conflict with the intent of the approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Traffic Department, Hamilton Region Conservation Authority and GO Transit have advised they have no comments or objections.
- The Building Department advises:

- "1. The use is **not permitted**.
2. A fully detailed plan is required to establish compliance with Section 18A of Zoning By-law 6593."

The Building Department has further advised:

- "1. Both properties have been the subject of Property Standards Orders, registered on title in December 1992.
 2. The owner has previously applied for demolition permits, but has not yet demolished the buildings.
 3. This Department had previously estimated the cost of repairing each of these dwelling units at \$60,500.
 4. We therefore recommend that if this application is approved, that it be conditional upon the applicant demolishing the buildings within a period of ninety (90) days after the enactment of the By-Law."
- The Roads Department advises:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

As the applicant is aware, the existing steps at No. 150 and 152 Catharine Street South encroach into the road allowance. We have reviewed this application on the basis that the existing structures including the steps within the Catharine Street road allowance will be removed. Should the buildings and steps be retained, the applicant requires an encroachment agreement with the City.

Any utility relocation etc. required due to this work is the sole responsibility of the applicant/owner.

Comments from the City of Hamilton Traffic Department with respect to access design etc. should be considered. As previously noted, the grade of the access within the road allowance should not exceed 3%."

- The Heritage Resource staff advise:

"LACAC ACTIONS

The two *listed* houses at 150-152 Catharine Street South have stood vacant since an application for their demolition was made in 1990 and the provisions of the demolition control by-law were subsequently applied by City Council (following recommendation made by LACAC and approved by P&D). The intent of this recommendation was to ensure that the dwelling units would not be lost and that rehabilitation of the buildings would be encouraged.

When an application was subsequently made to rezone the site as a temporary parking lot (in place of the apartment building originally proposed), it was reviewed by LACAC at a special meeting held 1990 August 8: Committee members felt strongly that the provisions of the Demolition Control By-law should remain in place and that the owner should not be allowed to demolish the buildings for a temporary parking lot. The Committee concluded from current photographs that despite the apparently deliberate neglect and deterioration, the two houses could still be rehabilitated for residential use.

Staff Comments

In the last few years, however, the houses have deteriorated further and are open to vandalism and arson. Because the buildings pose a safety hazard not only to themselves but also to the neighbouring rowhouses, we can not support retaining this current situation and therefore do not oppose the demolition.

In terms of re-zoning to a parking lot, we concur with the committee's earlier comments, namely, that the buildings were located in a residential zone and therefore use as a commercial parking lot was not supported."

COMMENTS:

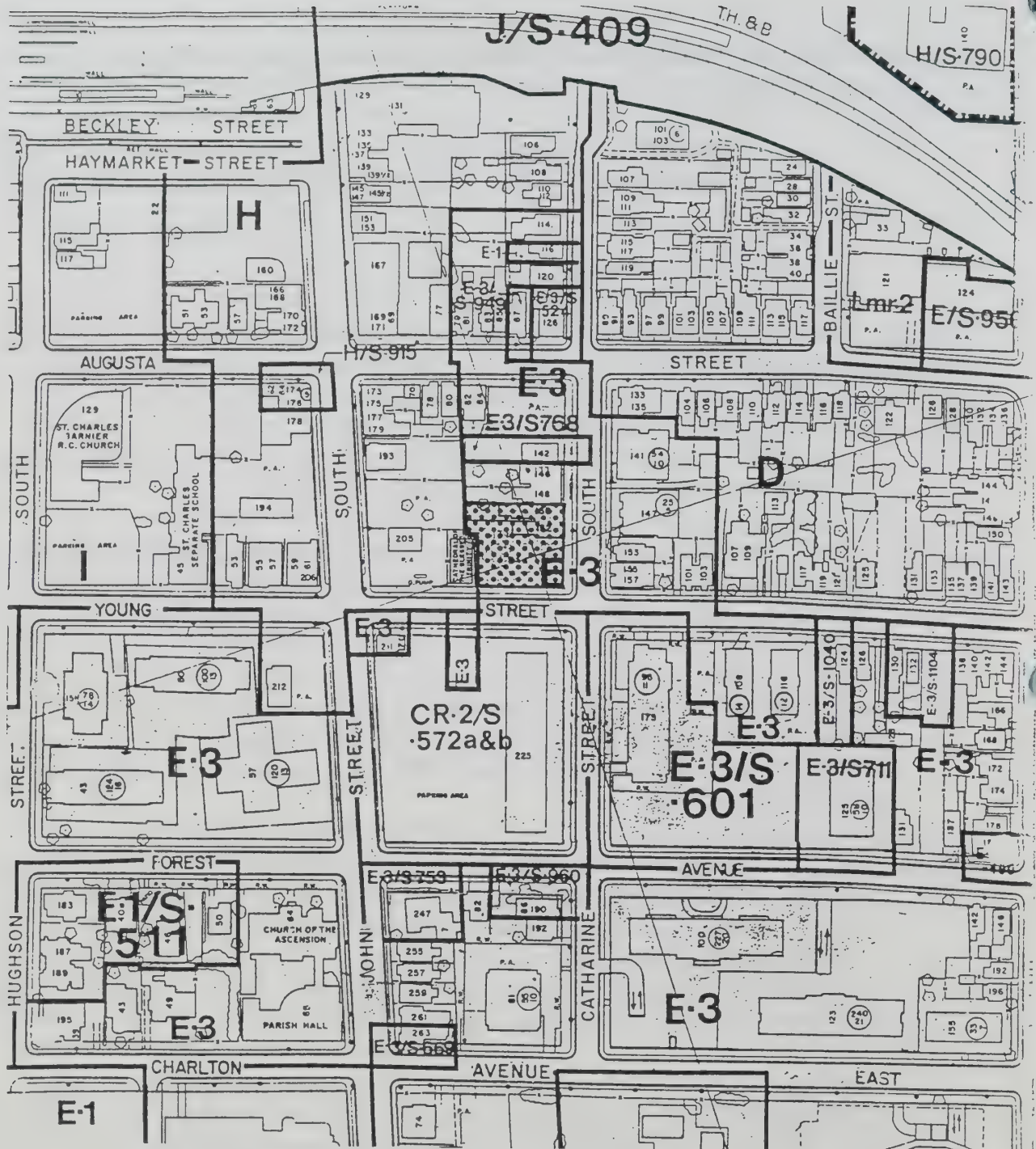
1. The proposal does not conflict with the intent of the Official Plan or the approved Corktown Neighbourhood Plan.
2. The proposal has merit and can be supported on the following basis;
 - a buffered and screened parking lot represents an improvement over existing conditions on the land;

- the proposal for a temporary parking lot conforms with Section 39 of the Planning Act;
 - an approval of the application would not prejudice the future use of this site for "high density apartments" in accordance with the approved Neighbourhood Plan; and,
 - it will provide additional parking in the area.
3. An amending By-law to permit temporary parking on 156-158 Catharine Street South (immediately south of the subject lands) has not been forwarded for Council adoption as the applicant has not applied for and received Site Plan approval.
- City Council approved the revoking of Demolition Control on 150-152 Catharine Street South, subject to a rezoning for a temporary parking lot.
- On the basis of the foregoing, it would be appropriate to repeal the Council resolution approving the temporary parking for 156-158 Catharine Street South and combine it with the subject lands for the purpose of having one by-law applicable to the entire property (150-158 Catharine Street South).
4. Development of these lands for a temporary public parking lot will be in accordance with Section 13C (Public Parking Lots) District regulations of By-law No. 6593. These regulations set out specific provisions with respect to yards, landscaping, visual barriers, paving and lighting.
5. Given the comments from the Heritage Resource staff and the Building Department with respect to the condition of the existing buildings on the site, the amending by-law should not be forwarded to Council until the applicant has demolished the buildings at 150 - 152 Catharine Street South within ninety (90) days of the passing of the Council resolution approving the rezoning. If the buildings are not demolished in this time, the approval of this resolution will cease and no longer be in force.
6. In keeping with the recently adopted Council policy regarding public parking lots, it is appropriate to direct the Licensing Division of the Clerk's Department to hold in abeyance the issuance of a "Garage D" license for the proposed temporary parking lot until there is confirmation that the applicant has applied for and received Site Plan Approval.

CONCLUSION:

On the basis of the foregoing, the amended application can be supported.

CLF/ ZA-93-41



Legend



Site of the Application



APPENDIX A

OFFICE OF THE CITY CLERK

MEMORANDUM

TO: Tina Agnello, Secretary
Planning and Development Committee

YOUR FILE:

FROM: Mr. J. J. Schatz
City Clerk

OUR FILE:
PHONE: 546-2727

SUBJECT: Zoning Application 93-35
DiCenzo Construction Company Limited
for Property Located at Lands West of
Upper Gage Avenue and North of Terni Boulevard

DATE: 1994 January 27

Council, at its meeting of 1994 January 25, resolved that Section 2 of the First Report of the Planning and Development Committee be referred back to the next meeting and that all interested parties be invited to attend as follows:

"2. A. Zoning Application

That approval be given to Zoning Application 93-35, DiCenzo Construction Company Limited, owner, requesting changes in zoning from: "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District, modified (Blocks "1" and "4"); "RT-20" (Townhouse -Maisonette) District, modified to "R-4" (Small Lot Single-Family Detached) District (Block "2"); and, "RT-20" (Townhouse - Maisonette) District, modified to "RT-30" (Street Townhouse) District, modified (Block "3"), to permit development of Blocks "1", "3" and "4" for street townhouses, for lands located west of Upper Gage Avenue and north of Terni Boulevard, shown as Blocks "1", "2", "3" and "4" on the attached map marked as APPENDIX "B", on the following basis:

- (a) That Blocks "1" and "4" be rezoned from "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District;
- (b) That Block "2" be rezoned from "RT-20" (Townhouse - Maisonette) District, modified to "R-4" (Small Lot Single-Family Detached) District;

- (c) That Block "3" be rezoned from "RT-20" (Townhouse - Maisonette) District, modified to "RT-30" (Street Townhouse) District;
- (d) That the "RT-30" (Street Townhouse) District regulations as contained in Section 10F of Zoning By-law No. 6593, applicable to Blocks "1", "3" and "4" be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 10F(6)(i) and (ii), each single-family dwelling unit shall have a lot area not less than 168.0 m² and a width of not less than 5.62 m;
 - (ii) That not more than 58 single-family dwelling units shall be permitted;
 - (iii) That Section 2.(2)A.(viid)(b) shall not apply to those street townhouses fronting onto Upper Gage Avenue; and,
 - iv) That only two (2) mutual driveway accesses shall be permitted onto Upper Gage Avenue;
- (e) That the amending By-law be added to Section 19B of Zoning By-law No 6593 as Schedule S-1325, and that the subject lands on Zoning District Map E-38E be notated S-1325;
- (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38E for presentation to City Council;
- (g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (h) That the Broughton West Neighbourhood Plan be amended to redesignate "Block "1" from "Single & Double" to "Attached Housing", Block "2" from "Attached Housing" to "proposed road", part of Block "4" from "Single & Double" to "proposed road" and part of Block "4" from "Single & Double" to "Attached Housing".

B. Subdivision Application

- (a) That approval be given to application 25T-93010, "Sandrina Gardens - Phase 2", DiCenzo Construction Company Limited (A. DiCenzo, President), owner, to establish a draft plan of subdivision, on lands located west of Upper Gage Avenue and north of Terni Boulevard in the Broughton West Neighbourhood, subject to the following conditions:
- (i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke, O.L.S., dated September 27, 1993, showing 58 lots for street townhouses, 14 lots for small lot single family dwellings, and 4 blocks for 0.3m wide reserves.
 - (ii) That the owner be required to enter into subdivision agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands.
 - (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the final plan conform with the Zoning By-law approved under the Planning Act.
 - (v) That such easements as may be provided for utility or drainage purposes be granted to the appropriate authority.
 - (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan.
 - (vii) The City be provided with a one foot reserve along the entire Upper Gage frontage.
 - (viii) The Subdivision Agreement permit a maximum of two shared access points from Upper Gage to the proposed lane servicing Lots 1 to 24.

- (ix) The subdivider to include in the Subdivision Agreement a warning to 3rd party purchasers and subsequent owners that ownership of Lots 1 to 24 will be subject to:
 - (a) a private Maintenance Agreement among the owners of Lots 1 to 24;
 - (b) mutual easements over their frontage for the access lane;
 - (c) restricted access, in that the only access to Upper Gage will be via the private access lane; and
 - (d) a covenant requiring the maintenance of that portion of the private access lane included in each street townhouse lot.
- (x) In addition to the Subdivision Agreement with the City, DiCenzo Construction Company Limited be required to enter into an agreement with the City until all 24 of the Lots are sold -- for the maintenance of the private lane and indemnity to the City. The agreement shall also oblige DiCenzo Construction Company Limited to require that purchasers of Lots 1 to 24 sign a Maintenance Agreement as a condition of sale to the purchase and that such a requirement be included in all Agreements of Purchase and Sale concerning Lots 1 to 24.
- (xi) That the City has no responsibility and assumes no responsibility for the private access lane between Lots 1 to 24 and Upper Gage.
- (xii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
- (xiii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.
- (xiv) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

- b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-93010), DiCenzo Construction Company Limited (A. DiCenzo, President), owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- C. That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

AMENDED AND CARRIED."

"REFERRED BACK TO THE NEXT MEETING AND THAT ALL INTERESTED PARTIES BE INVITED TO ATTEND."

JJS/TA/jt

cc: Alderman Tom Jackson
Victor Abraham, Director of Local Planning

3a)

CITY OF HAMILTON
- RECOMMENDATION -

1 2 5 1994

DATE: 1994 January 25
ZAC-93-17
Durand Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a further modification in zoning - 85 Robinson Street

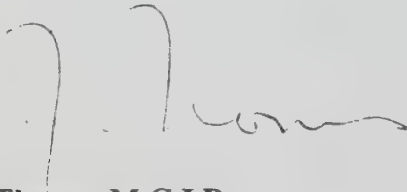
SECOND REPORT:

RECOMMENDATION:

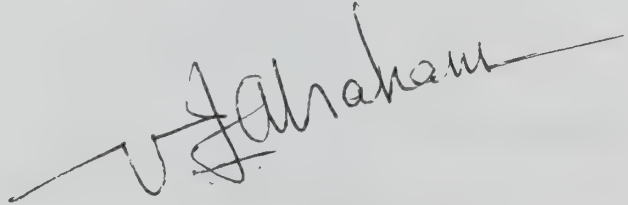
That amended Zoning Application ZAC-93-17, Latco (1986) Developments Limited, owner, requesting a further modification to the established "E" (Multiple Dwelling, Lodges, Clubs, etc.) District regulations to permit a 75 unit, 10 storey multiple dwelling (apartment building), fronting onto Robinson Street; and, a 123 unit, 10 storey, multiple dwelling (apartment building), fronting onto Charlton Avenue West, including a day nursery for up to 65 children, to be developed in conjunction with the retention of part of the Thistle Club, for property located at 85 Robinson Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- it conflicts with the intent of the Official Plan in that the scale, density and bulk of the development would be incompatible with the established character of the surrounding area. In this regard, the proposal would have a gross floor area ratio of 2.8 x lot area (approximately 22,128.67m² or 238,198 square feet), whereas a ratio of 1.7 x lot area (approximately 13,381.32m² or 144,040 square feet) is permitted for conventional apartment development in the "E" District;

- approval of the application would encourage other similar applications which, if approved, would create an undesirable extension of high density, high rise apartment development in this portion of Durand Neighbourhood; and,
- there is no demonstrated need or justification for an increase in density from the existing "E" District provisions.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Public Meeting of Planning and Development Committee - December 8, 1993

The Planning and Development Committee, at their meeting of December 8, 1993, moved to TABLE the subject application:

"in order to allow negotiations between the applicant and representatives of community residents and the Planning Department. A report is to come back to the Committee at the first February 1994 meeting."

Accordingly, staff met with the applicant on January 12, 1994 to discuss a number of changes the applicant was willing to make on the basis that there was an agreement. These changes include:

- reducing the floor area ratio from 2.8 x coverage to 2.54 x coverage;
- reducing the number of stories from 10 to 9;
- reducing the number of units from 198 to 192;
- removing the daycare centre and replacing that space with apartment units; and,

- changing the unit mix by reducing the number of three bedroom units and increasing the number of one and two bedroom units.

Further, the Durand Neighbourhood Association met with the applicant to discuss the proposed revisions. Based on the comments in the attached letter (APPENDIX "B"), the Association "will request that the latest zoning request for development on the Thistle Club Site be denied."

- Proposal

The applicant originally proposed to further modify the existing "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to allow development of the subject lands for two (2), ten (10) storey mixed use buildings as follows:

Robinson Street building

- 75 unit multiple dwelling (co-op apartments) with Community and Health Services and Community Social Services Centre;

Charlton Avenue building

- 123 unit multiple dwelling (co-op apartments) with Resident Program Space and a Day Care Centre for up to 40 children (day nurseries are permitted "as-of-right" in an "E" District subject to the provision of adequate parking); and,

- the retention of a portion of the Thistle Club.

The application included the retention of the existing "E" District modified zoning for a residential care facility for a maximum of 162 residents over the age of 60 and a 110 unit multiple dwelling (condominium apartments), as is currently permitted in the present by-law (By-law No. 88-261) applicable to the subject lands.

The applicant intends to develop the subject lands in accordance with the approved Site Plan (DA-88-39 approved on January 3, 1990).

The applicant stated their intent to sever the subject lands into three blocks (see APPENDIX "B" attached). To date, no application has been received by the Regional Land Division Committee.

The application was subsequently revised to: delete the Community and Health Services and the Community, and Social Services Centre; increase the capacity of the day nursery to 65 children; and, to delete reference to "co-op" apartments. Accordingly, the amended application comprises the following:

Robinson Street building

- 75 unit multiple dwelling (non-profit apartments);

Charlton Avenue building

- 123 unit multiple dwelling (non-profit apartments) and a day nursery for up to 65 children; and,

- the retention of a portion of the Thistle Club.

The provision for the residential care facility and the 110 unit multiple dwelling (condominium apartments), and the applicant's intent to sever the lands still apply to the amended application.

It should be noted that the requested further modification would allow the applicant the option of developing the lands as noted above, or in accordance with the "E" District regulations, or the "E" District as modified under By-law No. 88-261 which would permit a 110 unit condominium and residential care facility for up to 162 residents over the age of 60.

- Public Information Meeting - September 15, 1993

On September 15, 1993, the applicant held a Public Information Meeting (based on the original proposal) at 7:00 p.m. at Hamilton City Hall. The meeting was attended by approximately 90 interested residents. Concerns with the proposal expressed at the meeting included:

- financing and ownership of the project;
- amount of assisted housing proposed given the amount already in the Neighbourhood;
- impact of the development on property taxes;
- impacts of traffic and parking on the area;
- clarification of co-op ownership versus co-op management;
- provision of daycare and clarification on the number of children; and,
- the number of units identified for special needs.

- By-law No. 88-261

City Council, on November 8, 1988, passed By-law No. 88-261 which modified the existing "E" (Multiple Dwellings, Lodges, Clubs, etc.) District on the subject lands. This By-law provides for the development of a ten storey "lifestyle" retirement community comprised of the following:

- a residential care facility with a maximum of 162 residents over 60 years of age;
- a 110 unit condominium apartment building;
- the retention of a portion of the Thistle Club;
- a maximum gross floor area of 22,130 m² (238,213 square feet); and,
- a minimum of 173 parking spaces.

- Site Plan Application DA-88-39

Site Plan Application DA-88-39 for the subject lands was received March 28, 1988 and received final approval January 3, 1990. The approved Site Plan was based on the development contemplated by By-law No. 88-261.

COMMENTS:

1. The applicant's planning consultant has advised that removal of one floor would result in a floor area ratio factor of 2.54. Removal of two floors would result in a floor area ratio factor of 2.31. If four floors were removed, the resulting floor area ratio factor would be 1.86.

The applicant's proposal to reduce the density as noted previously represents only a minor adjustment to the original proposal. In this regard, while the floor area ratio for the entire site is proposed to be reduced from 2.8 to 2.54, the individual block ratio based on the proposed severance, still remains high.

| | Existing Proposal | Revised Proposal |
|----------------|-------------------|------------------|
| Thistle Club | 1.69 | 1.69 |
| Robinson Bldg. | 4.68 | 4.26 |
| Charlton Bldg. | 2.40 | 2.12 |

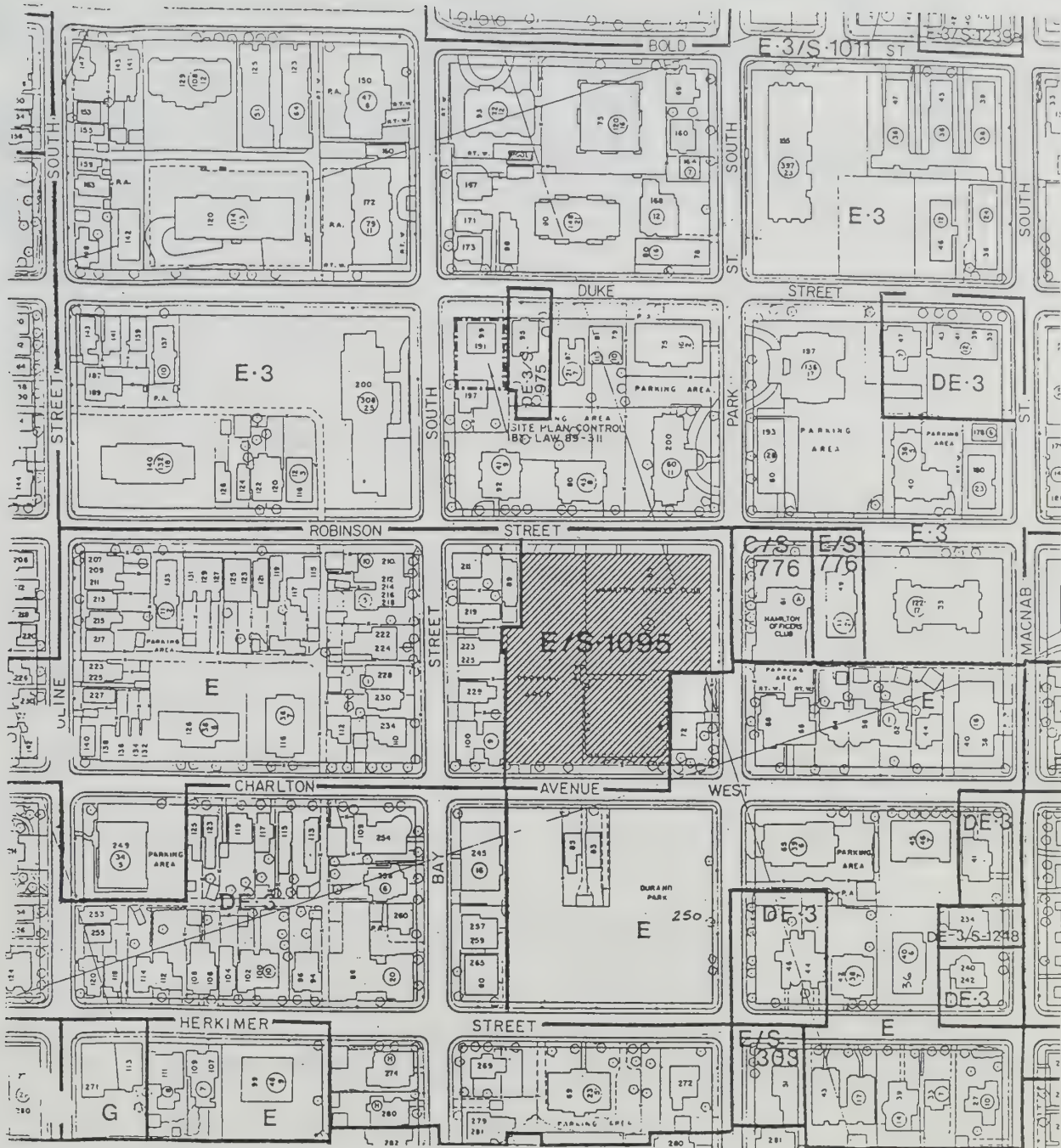
The size, density and bulk of the proposed development would not be altered significantly from the original application (2.54 versus 2.8), and therefore the proposal would still be incompatible with the character of the established development in the surrounding neighbourhood. Further, if approved, it would create an undesirable extension of high density, high rise apartment development in this part of the Durand Neighbourhood.

2. The Durand Neighbourhood Association, as noted previously, feel the proposed compromise by the applicant does "little to alleviate the community's concern with respect to the sizable increase in (human scale) density - people, cars - from that permitted in the original zoning designation."

CONCLUSION:

On the basis of the foregoing, the amended application cannot be supported.

CLF/
93-17-2



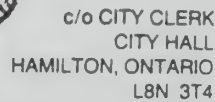
Legend



Site of the Application



ZAC 93-17

cc: V. Abraham, Planning Department
Ward 2 Aldermen : Agor; McCulloch

FPD

FOTHERGILL PLANNING & DEVELOPMENT

135 JAMES STREET SOUTH, SUITE 1015 • HAMILTON, ONTARIO L8P 2Z6 • TEL. (416) 577-1077

January 11, 1994

Marvin Sheppard
104 Aberdeen Ave.
Hamilton, Ont.

Dear Marvin:

Further to my meeting yesterday with yourself and Mrs. Shaker, please find enclosed a summary of the changes proposed by the owner. Attached is the same sketch which was reviewed with you and Mrs. Shaker yesterday. Also attached is an outline of the unit breakdown and number of units for each of the two buildings for the previous proposal (the current application) and the revised proposal.

You will note first of all that the unit sizes have remained the same. The unit count has dropped by 7 units and the mix of units has changed so there are for example now more 1 bedroom units and fewer 3 bedroom units. To summarize, the changes suggested by the owner as a proposed compromise include:

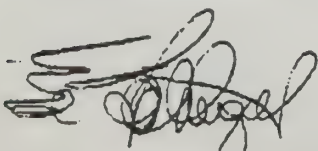
1. Elimination of one floor of both buildings;
2. A stepping down of the building elevation along Charlton Street;
3. The space previously reserved for daycare use now occupied by residential units;
4. Change in the unit mix as shown attached;
5. A reduction in the floor area ratio from 2.81 to 2.54.

The site plan for the proposed building will remain the same.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

FOTHERGILL PLANNING AND DEVELOPMENT

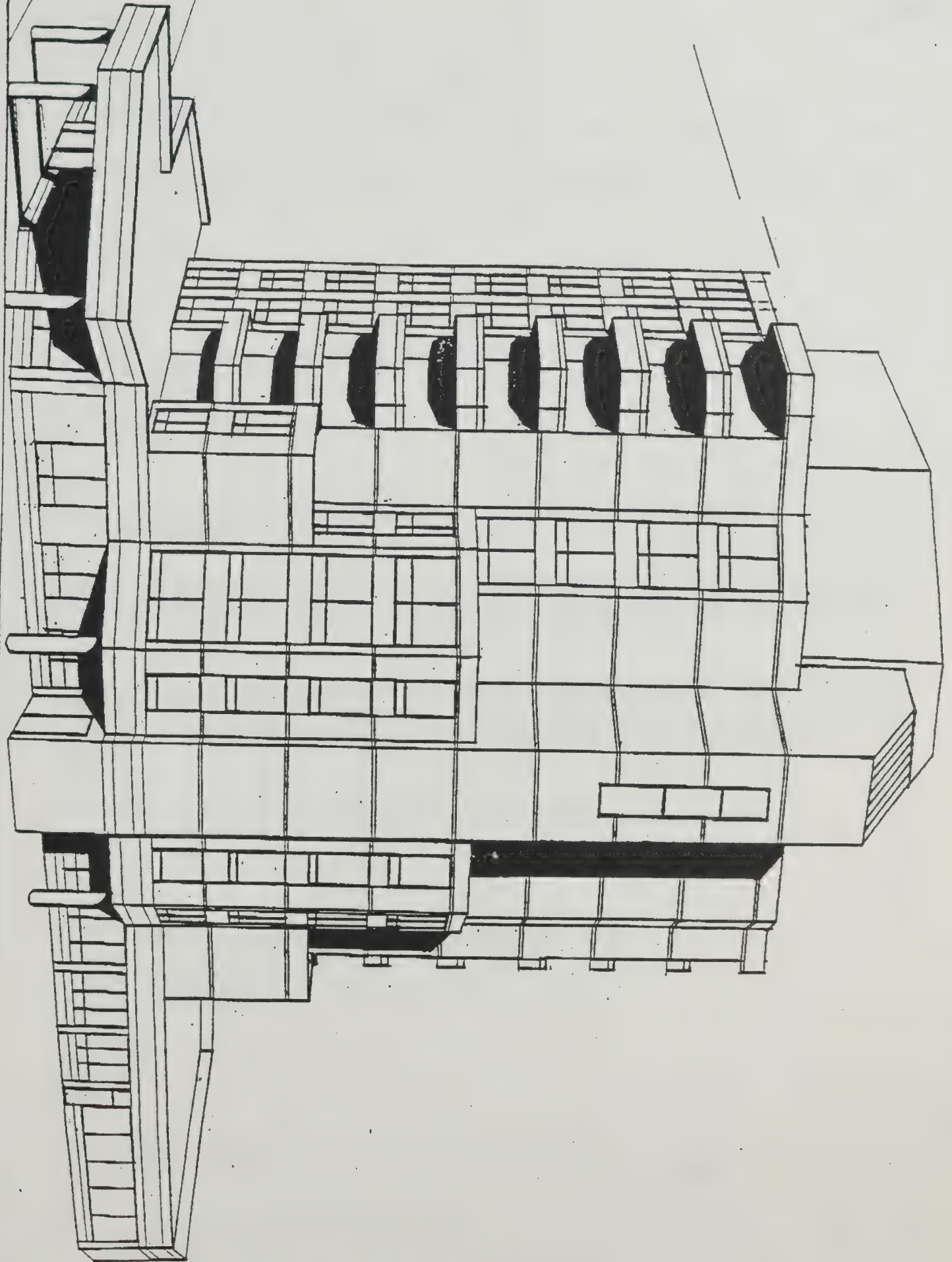


E.J. Fothergill, M.C.I.P.
President

**THISTLE CLUB
DEVELOPMENT COMPARISON**

| | PREVIOUS PROPOSAL | REVISED PROPOSAL |
|----------------------------|--|--|
| ROBINSON | 1BR - 550 sf - 24 2BR - 800 sf - 43 3BR - 1000 sf - <u>8</u> | 1BR - 550 sf - 28 2BR - 800 sf - 39 3BR - 1000 sf - <u>4</u> |
| | TOTAL 75 | TOTAL 71 |
| CHARLTON | 1BR - 550 sf - 49 2BR - 750 sf - 35 3BR - 950 sf - <u>39</u> | 1BR - 550 sf - 63 2BR - 750 sf - 31 3BR - 950 sf - <u>26</u> |
| | TOTAL 123 | TOTAL 120 |
| | TOTAL 198 UNITS | TOTAL 191 |
| TOTAL BUILDINGS | 22130 sq.m. (238,188.8 sq.ft.) | 20,036 sq.m. (215,587.36 sq.ft.) |
| G.F.A. | 2.81 | 2.54 |

January 11/94
AF



3ail

FPD

FOTHERGILL PLANNING & DEVELOPMENT

135 JAMES STREET SOUTH, SUITE 1015 • HAMILTON, ONTARIO L8P 2Z6 • TEL. (416) 577-1077

January 13, 1994

Tina Agnello
Secretary
Planning and Development Committee
City of Hamilton
71 Main St. W.
Hamilton, Ont. L8N 3T4

Re: **Zoning Application ZAC-93-17**
85 Robinson Street

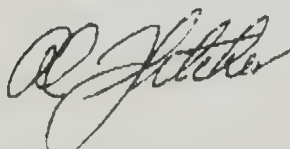
The above application was referred back to staff at the December 8/93 Planning and Development Committee meeting. The application is to return to the Committee on February 2/94.

Could you please place both Herman Turkstra of Turkstra Mazza Shinehoft Mihailovich, and Ed Fothergill of Fothergill Planning and Development on the agenda as delegations. Both Mr. Turkstra and Mr. Fothergill will speak on behalf of the applicants, Latco (1986) Developments Limited.

Should you have any questions or comments regarding this matter, please do not hesitate to contact our office.

Sincerely,

FOTHERGILL PLANNING AND DEVELOPMENT



Al Fletcher, B.A.
Planner

cc. Larry Popofsky, Latco (1986) Developments Limited
Herman Turkstra, Turkstra Mazza Shinehoft Mihailovich Assoc.



DURAND
NEIGHBOURHOOD
ASSOCIATION
INC

c/o CITY CLERK
CITY HALL
HAMILTON, ONTARIO
L8N 3T4

3a111)

rec'd Jan 21/94
4:30 pm

January 21, 1994

Ms. Tina Agnello
Sec'ty to Planning and Development Committee
City Hall
Hamilton, Ontario L8N 3T4

Re: Thistle Club Development Proposals

Dear Ms. Agnello:

As recommended by the Planning and Development Committee at their Dec. 8, 1993 meeting, we have communicated by phone and met with the Thistle Club Property owner/developer's representatives twice to see whether a compromise satisfactory to both the developer and to the Durand Neighborhood's residents could be reached.

As of January 11, we were forwarded the formal changes proposed by the owner and attached herein.

As the Committee will note, these changes do little to alleviate the community's concern with respect to the sizeable increase in (human scale) density - people, cars - from that permitted in the original zoning designation. Nor, we gather, can the owner go much further to accommodate Durand's needs, which remain close to the original 1988 rezoning stipulations.

Thus, at the February 2nd P & D meeting, the Durand Neighborhood Association, reflecting its subcommittee's research and the views expressed by many Durand residents, will request that this latest zoning request for development on the Thistle Club Site be denied.

Please contact Marvin Sheppard, Durand's Subcommittee representative and past president, if you have any queries. He can be reached at 104 Aberdeen Ave, L8P 2N8 or 522 - 6961.

Respectfully yours,

Helene Fallon
President, Durand Neighborhood Association Inc.

cc: V. Abraham, Planning Department
Ward 2 Aldermen: Agro; McCulloch

FPD

FOTHERGILL PLANNING & DEVELOPMENT

135 JAMES STREET SOUTH, SUITE 1015 • HAMILTON, ONTARIO L8P 2Z6 • TEL. (416) 577-1077

January 11, 1994

Marvin Sheppard
104 Aberdeen Ave.
Hamilton, Ont.

Dear Marvin:

Further to my meeting yesterday with yourself and Mrs. Shaker, please find enclosed a summary of the changes proposed by the owner. Attached is the same sketch which was reviewed with you and Mrs. Shaker yesterday. Also attached is an outline of the unit breakdown and number of units for each of the two buildings for the previous proposal (the current application) and the revised proposal.

You will note first of all that the unit sizes have remained the same. The unit count has dropped by 7 units and the mix of units has changed so there are for example now more 1 bedroom units and fewer 3 bedroom units. To summarize, the changes suggested by the owner as a proposed compromise include:

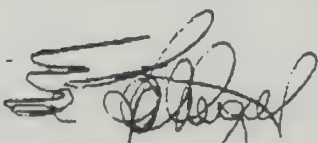
1. Elimination of one floor of both buildings;
2. A stepping down of the building elevation along Charlton Street;
3. The space previously reserved for daycare use now occupied by residential units;
4. Change in the unit mix as shown attached;
5. A reduction in the floor area ratio from 2.81 to 2.54.

The site plan for the proposed building will remain the same.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

FOTHERGILL PLANNING AND DEVELOPMENT

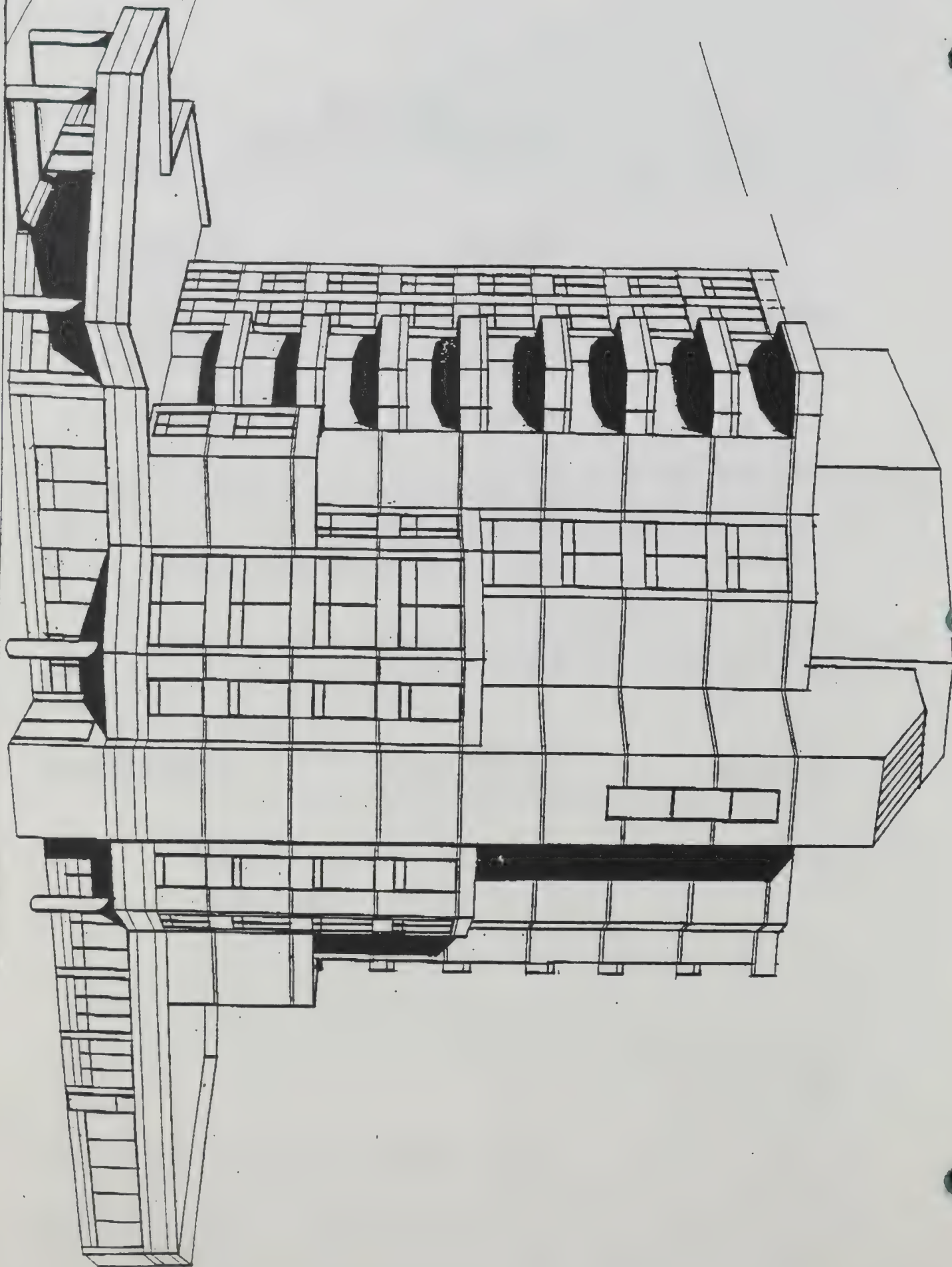


E.J. Fothergill, M.C.I.P.
President

**THISTLE CLUB
DEVELOPMENT COMPARISON**

| | PREVIOUS PROPOSAL | REVISED PROPOSAL |
|----------------------------|--|--|
| ROBINSON | 1BR - 550 sf - 24 2BR - 800 sf - 43 3BR - 1000 sf- <u>8</u> | 1BR - 550 sf - 28 2BR - 800 sf - 39 3BR - 1000 sf- <u>4</u> |
| | TOTAL 75 | TOTAL 71 |
| CHARLTON | 1BR - 550 sf - 49 2BR - 750 sf - 35 3BR - 950 sf - <u>39</u> | 1BR - 550 sf - 63 2BR - 750 sf - 31 3BR - 950 sf - <u>26</u> |
| | TOTAL 123 | TOTAL 120 |
| | TOTAL 198 UNITS | TOTAL 191 |
| TOTAL BUILDINGS | 22130 sq.m. (238,188.8 sq.ft.) | 20,036 sq.m. (215,587.36 sq.ft.) |
| G.F.A. | 2.81 | 2.54 |

January 11/94
AF



418-546-0545

121 108

10:01 35.11.2011

316 James Street South
Hamilton, Ontario
L8P 3B8

3a111)
RECEIVED

DEC 13 1993

Planning & Development Comm.
City Hall, 71 Main St. W.
Hamilton, Ontario. L8N 3T4

CITY CLERKS

DEC 9/93

Attn Ms. Tina Agnello, Sec.

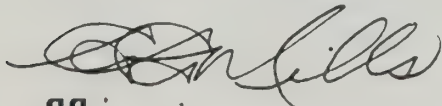
re - 85 Robinson St. Application #9317
Latco Dev. Ltd.

My opposition to this request for a change to the zoning is different than those I heard at the meeting Dec 8th. I understand that the developer had a plan approved for the building of a condominium for senior people. This was a private operation depending on the market for support and maintenance.

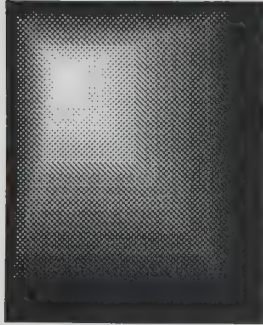
It came out in the meeting that this market was just not there and that the developer was now seeking "public" funds to proceed with a different kind of development that would be at the cost of the taxpayer and the responsibility of charity or the taxpayer for maintenance.

We, the taxpayer simply can not afford any thing like this at the present time. Your committee knows as well as I that our National, Provincial and Regional debt is out of control and we are over our heads.

Now is the time to say. "no, I'm sorry, we just haven't got the money now to go ahead with this plan. If you, the professional developer can't make a go of it, we certainly can't as much as we would like to." It is time to use our heads not our hearts and just say "NO". Say this clearly and let it go to the OMB with this note.



George G. Mills



Dr. Stuart Martin

*Plastic and Reconstructive Surgery
Cosmetic Surgery*

Associate Clinical Professor - McMaster University

66 Charlton Avenue West
Hamilton, Ontario
Canada L8P 2C1

Phone (905)-572-6226
Fax (905)-572-6301

December 9, 1993

OFFICE OF THE CITY CLERK

DEC 31 1993

REC. BY DATE
REF'D. TO DATE
REF'D. TO DATE
REF'D. TO DATE

ACTION: _____

Secretary, Planning and Developing Committee
Planning Department
City Of Hamilton
City Hall
71 Main Street West
Hamilton, ON
L8N 3T4

Dear Secretary:

**RE: No. 85 Robinson Street
Planning Department File No. ZAC9317**

Thank you very much for your information regarding the developer's plans for the 85 Robinson Street lot or lots.

This area currently serves as a parking lot for the Thistle Club, at least in part. Parking in this particular area is extremely limited, given the number of commercial endeavours in the area. If that lot were to be taken away and as a result the Thistle Club patrons had to park on the surrounded street, then it would become even more difficult for people to find parking spaces in the area. There are a fair number of physicians offices in the area and our patients often have limited ambulatory capabilities, thereby requiring them to have fairly convenient parking available. With the current situation, people can spend a great deal of time constantly circling in order to find a parking spot.

Secretary, Planning and Developing Committee
Re: No. 85 Robinson Street
Page 2

I think that as a minimum, the developers should incorporate a sufficient additional parking garage into their project to accommodate the patrons of the Thistle Club. Ideally, they would incorporate even more commercial parking space to try to improve upon the current desperate situation. I would think that those parking spots could be indeed very profitable for the developer, given the demands in the area.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Martin', written in a cursive style.

S. Martin, M.D., F.R.C.S.(C)

SM:se

36)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 November 30
(OP-HW5Y)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

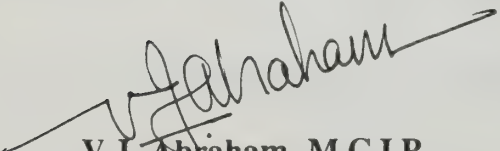
FROM: Mr. V. J. Abraham
Director of Local Planning

SUBJECT: City of Hamilton Response - Towards a Sustainable Region
- Draft Hamilton-Wentworth Official Plan (September 1993)

RECEIVED
DEC 02 1993
CITY CLERKS

RECOMMENDATIONS:

- 1) That the City of Hamilton endorse the policies contained in Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan (September 1993) with the exception of the following actions:
 - a) That the "Environmentally Significant Area" designated for the Harbourfront Park, Pier 4 Park and EastPort (titled Hamilton Harbour ESA) be re-evaluated;
 - b) That Policy C.1.4.3 requiring site plan agreements for properties fronting on the lakeshore be revised to eliminate the necessity to undertake site plans for single and two-family dwellings;
- 2) That the City Clerk inform the Regional Clerk of the City's decision and a copy of this report is forwarded.


V.J. Abraham, M.C.I.P.,
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Purpose of the New Regional Official Plan

The Planning Act requires municipalities to review their Official Plans once every five years. The Hamilton-Wentworth Official Plan was prepared in the late 1970's and adopted by Regional Council in 1980.

Since the 1970's, there have been significant changes: in the way communities are planned; the increasing pressure for development, particularly outside the urban areas; the growing importance of the environmental issues, etc. As a result, the Regional Planning Branch, in consultation with Area municipalities, other Departments and agencies, has prepared a draft Official Plan for the Hamilton-Wentworth Region titled Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan. The Local Planning Branch has been involved from the outset of the Review and have requested changes to the policies on a few occasions. These changes have been made and any concerns or negative impacts on the City have been alleviated.

The basis for the Plan is founded in the concept of developing and maintaining a "Sustainable Region". Sustainable development is *"positive change that meets the needs of the present without comprising the ability of future generations to meet their own needs"*. In 1993, Regional Council approved *VISION 2020* which is a compilation of policies, directions and strategies for government, residents, businesses and community groups to take into consideration as they plan for a sustainable future. The Regional OP is seen as the principle implementation tool for *VISION 2020*.

The Plan is broken down into four main components with subcomponents, as follows:

- INTRODUCTION;
- QUALITY OF LIFE (responsive government; environment; shelter; economic opportunities; social well being; education; culture; historical resources; greenspace-leisure activities; and public safety);
- LAND USE STRATEGY (resource protection; resource utilization; regional development pattern and infrastructure); and,
- IMPLEMENTATION

The Regional Planning and Development Department has prepared a comprehensive, easy to read document which sets the stage for planning in the 1990's and beyond.

RESULTS OF CIRCULARIZATION:

The draft Regional Official Plan was circulated to various municipal Departments for their comments.

- The following Departments have no comments or objections:

- Property Department;
- Municipal Non-Profit Housing Corporation;
- Building Department;
- Culture and Recreation Department;
- Traffic Department;
- Parking Authority; and,
- Law Department.

- The Fire Department has advised that:

"I am pleased to note that my responsibilities as the Regional Fire Co-ordinator and the issue of location of fire facilities have been suitably addressed in Part B - Section 11..."

- Due to the scheduling of Board meetings, the Library Board is unable to have a formal response to the Plan by December 8, 1993; however, they will submit a formal response to the Regional Planning Department at the end of December.

ANALYSIS

- General Principles

The Regional Official Plan is proactive in that it supports many of the concepts the City of Hamilton has been pursuing over the last few years. In particular, the Plan includes policies supporting:

- the implementation of the Hamilton Harbour Remedial Action Plan;
- the provision of a range of housing types;
- housing intensification;
- adaptive re-use of non-residential uses/buildings to residential;
- firm urban boundaries;
- compact urban forms and promoting mixed use corridors (i.e. Barton Street Upper James Street, etc.);
- limited commercial uses in the Industrial-Business parks to those uses which serve the industrial and business operations and employees so the Parks will not compete with existing commercial areas (i.e. Upper James Street, downtown);
- the Regional Centre (downtown) as an important employment area in the region;
- the use of public transit; and,

- the development of integrated bicycle paths

Many of the directives contained in the Plan are already implemented through the City's Official Plan, Neighbourhood Plans and Zoning By-law.

- Environmentally Significant Areas

The Naturalists Club identified the Environmentally Significant Areas (ESA) in the Region based on flora, fauna, hydrology, geology, etc. The data was collected starting in 1991.

A large number of the ESA's correspond to ESA's that are currently identified in the Hamilton Official Plan.

However, there are new ones that have been added (i.e Red Hill Creek, north of the former landfill site, Lax property, portion of the East Mountain Industrial-Business Park, Hamilton beach Shoreline). Generally, the new additions do not pose a problem; however, three areas need further attention:

1) Harbourfront Park and Pier 4 Park

There has been considerable land use changes taken place in these areas. In 1992, the Region constructed the Strachan Street underground detention tank with a parking lot above. In 1992 and 1993, the City built Pier 4 Park and Harbourfront Park which are active urban parks.

It appears as if the environmentally significant area is the shoreline which has a fish habitat. The inclusion of this area as an ESA may limit future development.

Based on the recent changes in this area, it is suggested the ESA areas be re-evaluated.

2) Hamilton-Harbour - EastPort (Piers 25 to 27)

Over a period of years, development has taken place in the EastPort area.

Based on Map 4, EastPort has been designated as an ESA because of the nesting habitats for waterbirds and waterfowl.

It should be noted that if development takes place on these lands an impact study would have to be completed and it may restrict further development.

- Site Plan Agreements for Development Fronting on the Lakeshore

Policy C.1.4.3 requires municipalities to undertake site plan agreements for development fronting on the lakeshore to ensure appropriate setbacks for flooding, erosion, etc. By-law 79-275 that establishes Site Plan Control exempts single and two-family dwellings. In this regard, the Policy should be reworded to eliminate the necessity for such agreements on those residential types.

IMPACT ON THE CITY OF HAMILTON'S OFFICIAL PLAN

Both the Planning Act and Policy D.5 of the draft Regional Official Plan requires an area municipality to bring its Plan into conformity with the upper tier plan. The Planning Act also requires a municipality to review their Official Plan once every five years. To date, the City has not conducted a Five Year Review since it was considered premature pending the completion of the Regional Official Plan Review. However, housekeeping amendments have been completed on an on-going basis including the major amendment (OPA #80) that was recently approved.

The format and content of the draft Regional Official Plan is considerably different than the existing Official Plan. The Plan has become more directive rather than regulatory. In addition, the Regional Official Plan will be considered as the prime implementation tool in achieving the goals and fulfilling the strategies put forward in *VISION 2020*. In addition, the OP has added new sections (i.e. subwatershed planning, public safety, greenspace-leisure activities, etc.) dealing with issues that were not contemplated in the late 1970's, and early 1980's.

Based on the above, the City's Official Plan would have to be modified to include new concepts and policies, and to delete out of date policies. The Planning and Development Department has also identified areas of the City's Official Plan that require updating. They include industrial and commercial land use, environmental issues (wetlands, environmentally significant lands, etc.).

At the present time, the Department is reviewing the industrial policies of the Official Plan. The first phase of the study is to prepare a background report detailing the economic changes that have occurred in Hamilton and Ontario with particular attention being paid to manufacturing; employment trends; business development activity and review the industrial areas within the City. The background report will also include a review of the City's and other municipal OP policies, as well as Provincial initiatives, on industrial land use planning. The second phase of the study will involve policy formulation.

Over the next few years, changes to the Official Plan are required to keep the City's Plan up to date and responsive to the planning goals and objectives of the 1990's and beyond.

CONCLUSIONS:

Based on the foregoing,

- 1) That the City of Hamilton endorse the policies contained in Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan (September 1993) with the exception of the following actions:
 - a) That the "Environmentally Significant Area" designated for the Harbourfront Park, Pier 4 Park and EastPort (titled Hamilton Harbour ESA) be re-evaluated;
 - b) That Policy C.1.4.3 requiring site plan agreements for properties fronting on the lakeshore be revised to eliminate the necessity to undertake site plans for single and two-family dwellings;
- 2) That the City Clerk inform the Regional Clerk of the City's decision and a copy of this report is forwarded.

JHE

4,

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 February 02

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the Planning & Development Committee Meeting Held 1994 January 19.

B. DIRECTOR OF PUBLIC WORKS

- (a) Westdale Village Business Improvement Area (B.I.A.) - Revised Board of Management.
- (b) Westdale Village Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payments for 1994.

C. BUILDING COMMISSIONER

Demolition Permits:

- a) 1114 Upper James Street
- b) 1138 Upper James Street

D. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) Proposed Draft Plan of Condominium "Amanda Heights".
- (b) By-law No. 93-034 - Nos. 625 and 635 Concession Street.

Wednesday, 1994 January 19
9:30 o'clock a.m. Room 233
Council Chambers, City Hall

A.

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Mayor Morrow
Alderman D. Wilson
Alderman F. D'Amico
Alderman B. Charters
Alderman M. Kiss
Alderman H. Merling
Alderman Wm. McCulloch

Also Present: Victor Abraham, Planning Department
Paul Mallard, Planning Department
Joanne Hickey-Evans, Planning Department
Art Zuidema, Law Department
Peter Lampman, Building Department
Eugene Chajka, Roads Department
Hazel Milsome, Public Works Dept.
Lou Lanza, Planning
Mike Watson, Property Department
Tina Agnello, Secretary

PUBLIC MEETINGS

1. **City Initiative 93-D, for a change in zoning from "M-14" District to "M-13" District, modified for Block "1", and for a modification to the established "M-13" District regulations for Block "2", for lands located at Nos. 175 to 225 Dartnall Road; Hannon South Neighbourhood.**

As recommended by the Commissioner of Planning and Development in a Report dated 1994 January 6, the Committee recommended to Council as follows:

That approval be given to amended City Initiative 93-D, for a change in zoning from "M-14" (Prestige Industrial) District to "M-13" (Prestige Industrial) District, modified for Block "1" and for a modification to the "M-13" (Prestige Industrial) District regulations for Block "2", to establish uniform zoning and to allow use of the subject properties for "M-13" (Prestige Industrial) District uses, including a public hall as an accessory use to permitted Public Uses, for lands located at Nos. 175 to 225 Dartnall Road, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That Block "1" be rezoned from "M-14" (Prestige Industrial) District to "M-13" (Prestige Industrial) District;
- (b) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variance as a special requirement:
 - (i) Notwithstanding Section 17E(1) a public hall shall be permitted as an accessory use to any permitted Public Use.

- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1323, and that the subject lands on Zoning District Map E-69E be notated S-1323;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-69E for presentation to City Council; and
 - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. **Zoning Application 93-35 and Draft Plan of Subdivision 25T-93010 Sandrina Gardens (Phase 2), DiCenzo Construction Company Limited (A. DiCenzo, President), owner, for changes in zoning from "R-4" District to "RT-30" District, modified for Blocks "1" and "4", from "RT-20" District, modified to "R-4" District for Block "2" and from "RT-20" District, modified to "RT-30" District, modified for Block "3", for lands located on the west side of Upper Gage Ave and north of Terni Boulevard; Broughton West Neighbourhood.**

Paul Mallard advised that the applicants have met with the Planning Department and there are some new conditions which should be met and thus a revised resolution is required.

The applicant was present and concurred with these conditions regarding easements and access.

Art Zuidema advised that he also was involved with the meeting and met with Mr. DiCenzo. He advised that part of the proposal includes private road to service 24 townhouses. It is advisable for the City to avoid having private roads where possible, especially if dealt with in a private agreement and not by Plan of Condominium. The 8 metre roadway is sub-standard to City requirements. He cautioned that at a later date there may be a request by the property owners for the City to assume the sub-standard roadway. The Law Department has requested a 1 foot reserve on Upper Gage. Mr. Zuidema also advised that there are two opportunities for access on Upper Gage but that access is limited. He concluded by stating that the Subdivision Agreement will have a warning that the City will not assume the road and that access to Upper Gage will be restricted. These terms will also be in the Purchaser's Agreement.

The Committee recommended to Council the recommendation of the Commissioner of Planning and Development dated 1994 January 10, as amended, as follows:

A. Zoning Application

That approval be given to Zoning Application 93-35, DiCenzo Construction Company Limited, owner, requesting changes in zoning from: "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District, modified (Blocks "1" and "4"); "RT-20" (Townhouse -Maisonette) District, modified to "R-4" (Small Lot Single-Family Detached) District (Block "2"); and, "RT-20" (Townhouse - Maisonette) District, modified to "RT-30" (Street Townhouse) District, modified (Block "3"), to permit development of Blocks "1", "3" and "4" for street townhouses, for lands located west of Upper Gage Avenue and north of Terni Boulevard, shown as Blocks "1", "2", "3" and "4" on the attached map marked as APPENDIX "B", on the following basis:

- (a) That Blocks "1" and "4" be rezoned from "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District;
- (b) That Block "2" be rezoned from "RT-20" (Townhouse - Maisonette) District, modified to "R-4" (Small Lot Single-Family Detached) District;
- (c) That Block "3" be rezoned from "RT-20" (Townhouse - Maisonette) District, modified to "RT-30" (Street Townhouse) District;
- (d) That the "RT-30" (Street Townhouse) District regulations as contained in Section 10F of Zoning By-law No. 6593, applicable to Blocks "1", "3" and "4" be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 10F(6)(i) and (ii), each single-family dwelling unit shall have a lot area not less than 168.0 m² and a width of not less than 5.62 m;
 - (ii) That not more than 58 single-family dwelling units shall be permitted;
 - (iii) That Section 2.(2)A.(viid)(b) shall not apply to those street townhouses fronting onto Upper Gage Avenue; and,
 - iv) That only two (2) mutual driveway accesses shall be permitted onto Upper Gage Avenue;
- (e) That the amending By-law be added to Section 19B of Zoning By-law No 6593 as Schedule S-1325, and that the subject lands on Zoning District Map E-38E be notated S-1325;
- (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38E for presentation to City Council;
- (g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (h) That the Broughton West Neighbourhood Plan be amended to redesignate Block "1" from "Single & Double" to "Attached Housing", Block "2" from "Attached Housing" to "proposed road", part of Block "4" from "Single and Double" to "proposed road", and part of Block "4" from "Single & Double" to "Attached Housing".

B. Subdivision Application

- (a) That approval be given to application 25T-93010, "Sandrina Gardens - Phase 2", DiCenzo Construction Company Limited (A. DiCenzo, President), owner, to establish a draft plan of subdivision, on lands located west of Upper Gage Avenue and north of Terni Boulevard in the Broughton West Neighbourhood, subject to the following conditions:
 - (i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke, O.L.S., dated September 27, 1993, showing 58

lots for street townhouses, 14 lots for small lot single family dwellings, and 4 blocks for 0.3m wide reserves.

- (ii) That the owner be required to enter into subdivision agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands.
- (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (iv) That the final plan conform with the Zoning By-law approved under the Planning Act.
- (v) That such easements as may be provided for utility or drainage purposes be granted to the appropriate authority.
- (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan.
- (vii) The City be provided with a one foot reserve along the entire Upper Gage frontage.
- (viii) The Subdivision Agreement permit a maximum of two shared access points from Upper Gage to the proposed lane servicing Lots 1 to 24.
- (ix) The subdivider to include in the Subdivision Agreement a warning to 3rd party purchasers and subsequent owners that ownership of Lots 1 to 24 will be subject to:
 - (a) a private Maintenance Agreement among the owners of Lots 1 to 24;
 - (b) mutual easements over their frontage for the access lane;
 - (c) restricted access, in that the only access to Upper Gage will be via the private access lane; and
 - (d) a covenant requiring the maintenance of that portion of the private access lane included in each street townhouse lot.
- (x) In addition to the Subdivision Agreement with the City, DiCenzo Construction Company Limited be required to enter into an agreement with the City until all 24 of the Lots are sold – for the maintenance of the private lane and indemnity to the City. The agreement shall also oblige DiCenzo Construction Company Limited to require that purchasers of Lots 1 to 24 sign a Maintenance Agreement as a condition of sale to the purchase and that such a requirement be included in all Agreements of Purchase and Sale concerning Lots 1 to 24.

- (xi) That the City has no responsibility and assumes no responsibility for the private access lane between Lots 1 to 24 and Upper Gage.
 - (xii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (xiii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.
 - (xiv) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-93010), DiCenzo Construction Company Limited (A. DiCenzo, President), owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

3. Zoning Application 93-08 Rosewind Realty Limited (In Trust), owner, for a change in zoning from "H" District to "CR-3" District, modified, for lands located at Nos. 214 to 244 King William Street; Beasley Neighbourhood.

Paul Mallard advised that of 638 Notices sent, 30 residents replied in favour and 9 opposed.

The Mayor stated his strong support for this application.

As recommended by the Commissioner of Planning and Development in a report dated January 11, 1994 the Committee recommended to Council as follows:

That approval be given to amended Zoning Application ZAC-93-08, Rosewind Realty (In Trust), Owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "CR-3" (Commercial - Residential) District, modified to permit the development of a thirteen (13) storey mixed residential/commercial building including: 94 apartment units; a four storey parking garage; and, ground floor commercial uses, for lands located at 214 - 244 King William Street, as shown on the attached map marked as APPENDIX "C", on the following basis:

- (a) That the subject lands be rezoned from "H" (Community Shopping and Commercial, etc.) District to "CR-3" (Commercial - Residential) District;
- (b) That the "CR-3" (Commercial - Residential) District regulations as contained in Section 15B of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following as special requirements:

- i. That notwithstanding Section 15B(8)(c), no building or structure shall exceed thirteen (13) stories or 37.9 metres in height;
 - ii. That notwithstanding Sections 15B(9) and (10), the following yards shall be provided and maintained for the residential uses:

| | |
|---------------|--------------|
| - front | minimum 4.3m |
| - side (east) | minimum 3.1m |
| - side (west) | minimum 3.0m |
| - rear | minimum 7.7m |
 - iii. That notwithstanding Section 15B(17)(b)(i), the maximum residential gross floor area shall not exceed 7,219.0 m²;
 - iv. That notwithstanding Section 15B(19), a minimum 1,410.0 m² of amenity area shall be provided and maintained;
 - v. That notwithstanding Section 15B(21), a minimum 50% of the area of the lot shall be provided and maintained as landscaped area;
 - vi. That notwithstanding Sections 2(2)(J)(xb)(a) and 15B(23), a minimum of 4.3% of the area of the lot shall be provided and maintained as landscaped area at grade, including a portion of the area beneath the roof;
 - vii. That notwithstanding Section 18(3)(vi)(cc), balconies may project not more than 2.0m into the required yards;
 - viii. That notwithstanding Sections 18A(8), not more than 8 parallel parking spaces shall have a minimum length of 5.7 m; and,
 - ix. That notwithstanding Section 18A(1)(c), one 18.0m x 3.7m x 4.3m loading space shall be provided and maintained.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1326, and that the subject lands on Zoning District Map E-4 be notated S-1326 ;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to Council; and,
 - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That approval of the Site Plan include a condition that the applicant construct a layby to the satisfaction of the Traffic and Roads Departments on King William Street (outside of the property line) at their own expense.

4. A. ADOPTION OF THE MINUTES

The minutes of the Planning and Development Committee Meeting of 1993 December 8 were approved as circulated.

THE COMMITTEE RECOMMENDED TO COUNCIL VARIOUS RECOMMENDATIONS AND REPORTS AS FOLLOWS:

B. DIRECTOR OF PUBLIC WORKS

(a) Concession Street B.I.A. Revised Board of Management dated 1993 January 5:

- (a) That in accordance with the provisions of Section 220 of the Municipal Act, R.S.O. 1990, the Concession Street B.I.A. Board of Management be amended to delete the following name:

George Barker

Barkers Furniture

- (b) That the City Solicitor be authorized and directed to amend By-law No. 86-144 pursuant to (a) above.

The Mayor requested all members of Council to support funding for floral baskets and islands for the BIA's which will beautify not only the BIA areas but the City as a whole.

(b) Concession Street B.I.A. Proposed Budget and Schedule and Payments for 1994 dated 1994 January 5:

- (a) That the 1994 operating budget of the Concession Street B.I.A. (attached as Appendix "D") be approved in the amount of eight thousand, five hundred and seventy-five dollars (\$8,575.); and,
- (b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1994 budget as referenced in (a) above; and,
- (c) That the following Schedule of Payments for 1994 be approved.

| | |
|------------|------------|
| May 01 | \$4,287.50 |
| October 01 | \$4,287.50 |

Note: 1993 Levy Arrears will be deducted from the two payments for 1994.

(c) Phase IV of the Downtown Action Plan; Public Service Announcement Competition dated 1993 December 3:

That the City of Hamilton's Public Works Department, Community Renewal, in conjunction with the Keep Hamilton Clean Committee, hold a 6th Annual Public Service Announcement Competition through Mohawk College Media Studies Program and CHCH-TV at a total estimated cost of \$3,000.

C. SENIOR DIRECTOR, ROADS DEPARTMENT

Amendment to Draft Plan Conditions for Application 25T-92008 "Sheldon Estates Subdivision dated 1994 January 6:

That the approved draft plan conditions for application 25T-92008 "Sheldon Estates" proposed plan of subdivision located on Stone

Church Road West between Garth Street and West Fifth Street be amended to include the following condition:

"That the Owner agree in writing to construct and pay the full cost of all municipal services, both above and below ground, less any oversizing, on Chesley Street from Stone Church Road West to the southerly limit of the subdivision with no provision for recovery of monies from the City or Region."

D. BUILDING COMMISSIONER

(a) Hamilton Emergency Loan Programme -

i 108 Simcoe Street dated 1994 January 4:

"That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, five hundred and thirty five(\$1,535.00) be approved for Donna Hill, 108 Simcoe Street East, Hamilton. The interest rate will be 8 per cent amortized over 3 years."

ii 50 East 36th Street dated 1994 January 4:

"That a Hamilton Emergency Loan (H.E.L.P.) in the amount of seven hundred and thirty six (\$736.) be approved for Eleanor Rumpel, 50 East 36th Street, Hamilton. The interest rate will be 8 per cent amortized over 3 years."

(b) Facade Loan Programme Loan Increase - 294 Ottawa St.North dated 1993 December 9:

"That a loan increase of \$1,488 be approved for Mr. Baba Tooma, 294 Ottawa Street North under the Commercial Loan Programme. The total loan is now \$15,000."

(c) Demolition Permits dated 1994 January 11:

That the Building Commissioner be authorized to issue a demolition permit for:

(a) 63 Crooks Street.

(b) 27 Comet Avenue.

(c) 1305 Golf Links Road.

(d) 1315 Golf Links Road.

(e) 110 Dartnall Road.

E. COMMISSIONER OF PLANNING AND DEVELOPMENT

(a) i Rezoning Application 91-60 No. 164 Mount Albion Road

ii Draft Plan of Subdivision "Kemp Estates" dated 1994 January 10.

John Sakala advised that a meeting with the representatives of the Niagara Escarpment Commission and the applicants was held at which time three options were discussed with regard to the properties which the Niagara Escarpment Commission is concerned with. The options are: To either add the property in question to one lot, to have the City purchase it for a park, or to have the School Board purchase it. The people at that meeting were in agreement that either of these options would be acceptable. The recommendation before the Committee is for the property be joined to one lot.

Mr. Sakala added that this is now not acceptable to the Niagara Escarpment Commission and as such, they want to have the application referred.

John Ariens from Planning Initiatives, on behalf of the applicant, was present. He reiterated that a mediation procedure was followed and that the NEC staff agreed with three options and have now changed their minds. Terms stating that one of the original proposals should be adhered to.

Since the Niagara Escarpment Commission reports to the Ministry of the Environment and Bud Wildman is the Minister, it was determined that the resolution be amended to include terms to advise the Minister of the Environment and Energy of the City's concerns.

The Committee recommended to Council the recommendation and a report dated 1994 January 10 as amended as follows:

- (a) That the City of Hamilton request the Region of Hamilton-Wentworth to "red line" revise the proposed draft plan of subdivision "Kemp Estates" (Regional file 25T-92010), to attach the lands below the "top-of-bank" to lot No. 9, in accordance with Appendix "E".
- (b) That the City Clerk advise the Region of Hamilton-Wentworth that conditions of approval for application 25T-92010, Ronald Kemp, owner, to establish a draft plan of subdivision, as approved by City Council on April 27, 1993, are amended to add the following condition:
 - xii. That the applicant submit a tree/vegetation preservation Clause and/or Schedule to the satisfaction of the City of Hamilton and the Ministry of Natural Resources.
- (c) That the Minister of the Environment and Energy be advised of the City's concerns respecting the Niagara Escarpment Commission's referral request on the Plan of Sub-division.

(b) **Revised Plan of Subdivision "Wisemount Estates" (formerly Wisemount Forest Survey, Phase 3) 25T-83004, Hamilton dated 1994 January 11:**

(a) That approval be given to the request by Mr. A. Cameracci of Urbex Engineering Limited on behalf of 822827 Ontario Inc. (Mr. A. DiSilvestro) owner, to revise a part of the draft plan approval for "Wisemount Estates" subdivision (formerly "Wisemount Forest Survey - Phase 3)" to delete Blocks 151, 152 and 153 in the original draft approval and create four (4) new blocks for residential purposes and three (3) blocks for road widening and day-lighting purposes, subject to the following conditions:

(i) That this approval apply to the plan, prepared by S.J. Balaban, O.L.S., dated November 19, 1993, showing four (4) blocks for residential purposes and three (3) blocks for road widening purposes with the following revision in red:

1. That Block 4 in the Design Criteria and Land Use Schedule be revised by adding the word "Apartments" after the words "Low & Medium Density" under the "Use" column to clarify that the lands are intended for apartment development in accordance with the approved Lisgar Neighbourhood Plan.

(ii) That the owner enter into a subdivision agreement with the City of Hamilton prior to any development of any portion of these lands;

(iii) That all road widenings, Blocks "5" and "6" and a 12.0m x 12.0M day-light triangle, Block "7", be dedicated to the City of Hamilton by Certificate on the Final Plan; and,

(iv) That the alignment of Lockheed Drive, on the revised Final Plan, east of Castle Street, conform to the Plan submitted by Urbex Engineering, dated November 1993, shown as Project Number 93-588, Sheet 1A;

(b) That the Lisgar Neighbourhood Plan be amended by deleting the designated walkway; and,

(c) That the Regional Commissioner of Planning and Development be advised of Council's decision.

(c) **Zoning Application 93-34, Dr. A. Tartaglia, prospective owner, requesting removal of the 'H' District, for lands located at No. 682 Upper James Street, Bonnington Neighbourhood, dated 1994 January 11.**

That approval be given to Zoning Application 93-34, Dr. Anthony Tartaglia, prospective owner, requesting removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit conversion of the existing building for a chiropractors office, and that the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 92-244, and Zoning District Map W-8 for presentation to City Council, for lands located at No. 682 Upper James Street, as shown on the attached map marked as Appendix "F". The 'H'(Holding) provision was placed on the lands until such time as the applicant/owner has applied for and received approval of a Site Plan.

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**Information items.**

The Committee moved to receive for information purposes the following items which were previously forwarded to the members of the Committee under separate cover:

- (a) Regional Environmental Services, Surplus lands at Patterson Road, dated 1993 November 26.
- (b) Transportation Association of Canada, New Visions in Urban Transportation Symposium, dated 1993 December 1.
- (c) Regional Clerks Office, referral of Hamilton Official Plan to the Ontario Municipal Board - 412 Charlton Avenue West, dated 1993 December 8.
- (d) Ministry of Municipal Affairs, Reform of Planning and Development System, dated 1993 December 14.
- (e) Federation of Canadian Municipalities, Request for resolution for Conference in June 1994, dated 1993 December 20.
- (f) Ministry of Municipal Affairs, Guide to Provincial Planning Applications, dated 1993 December 20.
- (g) Planning Department, Site Plan Taco Bell - 460 Main Street West, dated 1993 December 30.

PUBLIC MEETINGS (CONTINUED)

5. Zoning Application 93-37 645437 Ontario Limited (A.Barzilay), owner, for a further modification to the "HH" District regulations, for lands located at Nos. 986 to 998 Upper Wentworth Street; Bruleville Neighbourhood.

Paul Mallard advised that in 1985 the City passed an Official Plan Amendment to prohibit high traffic uses including restaurants etc., in this strip mall. The Ontario Municipal Board allowed an Appeal to have a tavern at this location with a square footage restriction of 3000 square feet. A similar application at 1010 Upper Wentworth was approved. Of 260 people notified 25 have replied in favour and 4 have been opposed.

Mark Bayles was present on behalf of the applicant.

Alderman Merling stated that the site is small and they should not be permitted beyond 3000 square feet and therefore he is opposed to it. He stated that if this application is allowed, traffic problems will occur. He also added that there is a Tim Horton's there presently which is a restaurant use. He stated that there is an agreement with the Toy store with regard to parking and access but that this will not alleviate the traffic problem. He believes that this is not similar to the OMB case since there is already an existing restaurant and this will allow additional restaurant uses.

The Mayor stated that the applicant and the City should come to some agreement. He stated if it is well designed it may work but he does not want Upper Wentworth Street to become garish.

Mark Bayles added that there is only one 1,400 square foot unit which is vacant and some people also wish to sell coffee and food products in their store, and this is the reason for the application.

Paul Mallard concluded by stating that the Ontario Municipal Board has allowed one restaurant use and the applicant is now requesting additional restaurant use.

The Chairperson called the question on approval of the application as recommended by the Commissioner of Planning and Development in a report dated 1994 January 10 and was defeated. Subsequently, a motion to deny the application was approved as follows:

That Zoning Application 93-37, 645437 Ontario Limited, (A. Barzilay), owner, requesting a further modification to the established "HH" (Restricted Community Shopping and Commercial) District, to permit additional restaurant uses within the existing shopping plaza, on lands located Nos. 986-998 Upper Wentworth Street, as shown on the attached map marked as Appendix "G", be Denied for the following reasons:

- (a) it represents an overintensification of land use; and,
- (b) it is contrary to the Ontario Municipal Board decision which limits restaurant uses within the existing shopping plaza.

COMMISSIONER OF PLANNING AND DEVELOPMENT

Site Plan Control Application DA-93-92 for a building addition and parking area at the rear of the existing bowling centre at 121 Highway No. 8, on Queenston Road, west of Grays Road.

Dan Gabriel from Mars Homes to the north of the property was present.

The applicant was not in support of additional landscaping and the applicant also advised that the application is going to the Ontario Municipal Board as a result of an objection by a neighbour to the east.

John Sakala advised that the applicant does not want to provide trees, shrubs or a grading plan for catch basins.

Mr. Gabriel added that other property owners on the west have been granted approval with six metre landscape and visual barriers and he wants his application to be similar to theirs.

Mr. Abraham stated that the present owner is requesting changes to the plan and as such the City can require the applicant to provide landscaping.

In response to a question from Alderman Eisenberger, Mr. Gabriel, stated that the applicant is prepared to fulfil the City requirements.

As recommended in a report dated 1993 December 28, the Committee resolved as follows:

That approval be given to Site Plan Control Application DA-93-32 by Bowlerama Ltd., owner of lands at 121 Highway No. 8, for an addition and a parking area in the rear of the lot, subject to the following:

- a) modification to the plans related to notes and dimensions as marked in red on the plans;
- b) submission of a grading plan to the satisfaction of the Director of Development, Roads Department;
- c) provision of an easement agreement on adjacent lands to the north for drainage connections for the required catch basins;
- d) submission of a landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department; and,
- e) provision of a 2.5m high visual barrier along the northerly property line as marked in red on the plan.

7. BUILDING COMMISSIONER AND DIRECTOR OF PUBLIC WORKS

Barton Street Revitalization.

Mr. Lampman explained the Development Plan to the Committee. He explained that it is proposed that some fees will be deleted including Development costs.

Alderman Charters is concerned with the waiving of fees since other people who would like to redevelop will not have their fees waived.

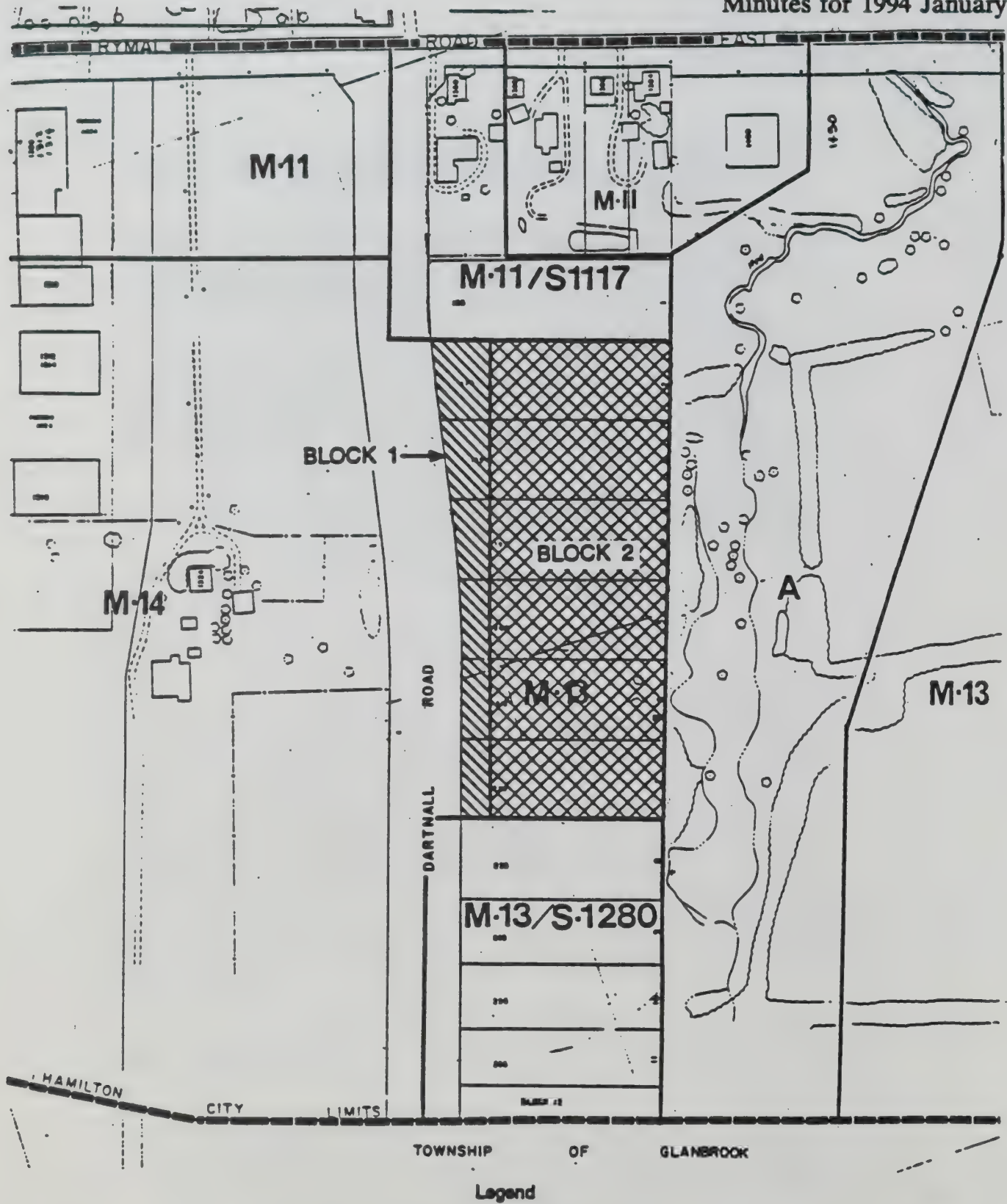
Mr. Lampman advised that the City has an exemption in its By-Law for Development in cases of infilling and many of the Barton Street properties meet these conditions. He also advised that if grants or loans are applied for they may all be spent on Development charges if those fees are applicable. He suggested that new buildings may be charged Development charges but not those which are existing since it is already a developed area and the services are already provided it will not be a stress on the City services. He also stated that approval of this resolution also requires approval by the Region as well.



The Mayor stated that he is in support of this project and commends Alderman Drury and Alderman Morelli on their work. He stated that new businesses are moving in, the streetscape is being improved, there is potential of an artist's enclave being located there and that this area is a perfect place to harness the ethnic diversity of the Barton Street neighbourhood. He also stated that Non-Profit Housing is working hard to develop properties in this area. The Mayor was hopeful that \$5,000,000. which the Province has in Ontario Home Renewal funds which are owed to the City will be diverted partially into this program. He also stated that the municipal infrastructure monies will be re-evaluated at the Finance and Administration Committee and he's hoping that some monies are put into redevelopment of projects such as these. He concluded by stating that the City should try and apply the aspects to Barton Street to the downtown core as well. The City right now is on an upswing and the time to promote development is now.

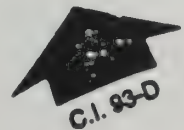
Alderman Wilson stated that he is opposed to burying the overhead trolley wires and also opposed to splashguards on Barton Street.

Alderman Eisenberger concurred with the Mayor and asked who the Co-Ordinators of this program are. The Mayor replied that at the moment the two ward Alderman and, the Mayor in addition with Len King, Peter Lampman and Hazel Milsome are co-ordinating the program.

As recommended in a report dated 1994 January 4, the Committee recommended to Council as follows:



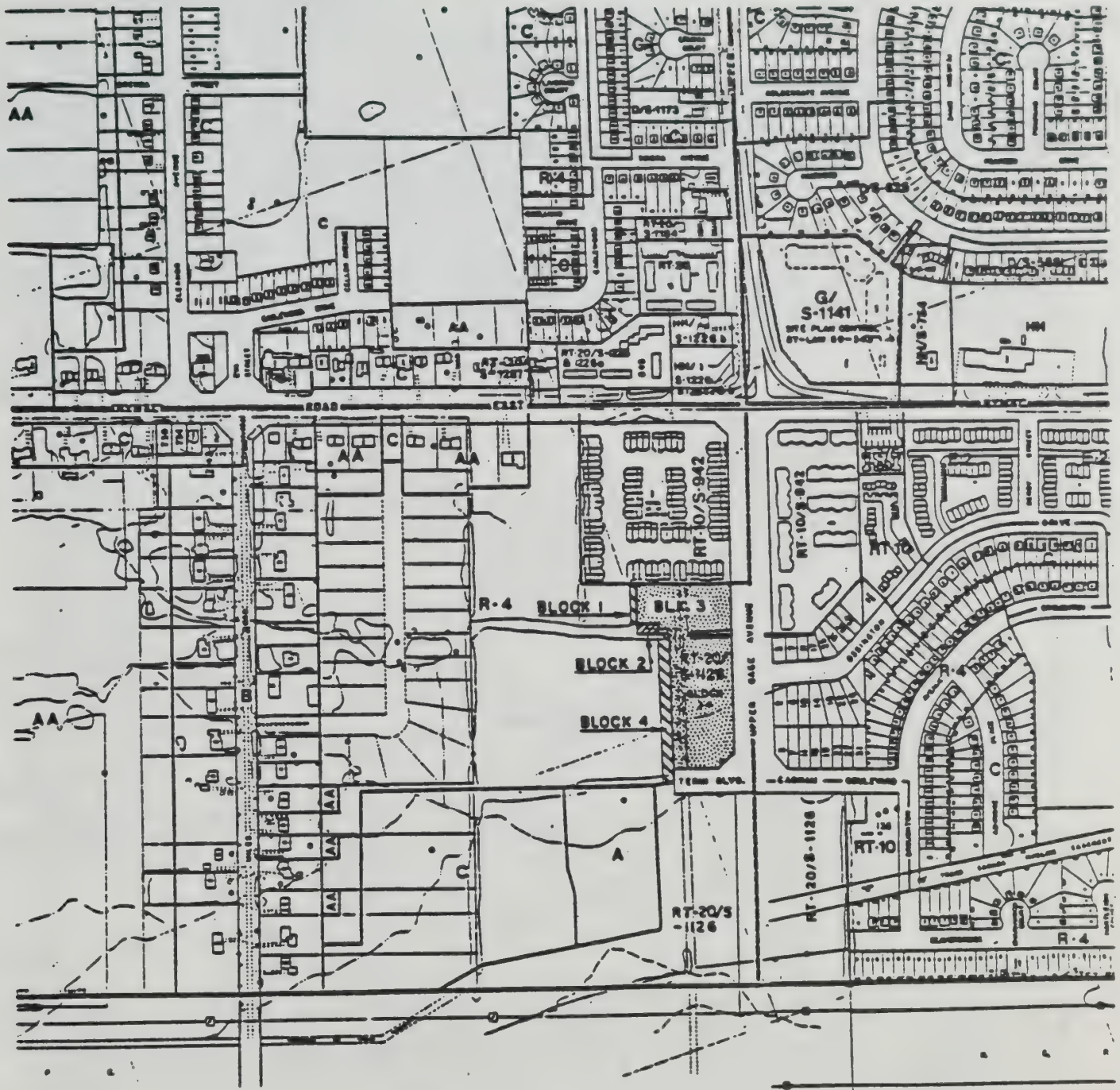
- Block "1"**  Change from "M-14" (Prestige Industrial) District to "M-13" (Prestige Industrial) District, modified.
- Block "2"**  Modification to the "M-13" (Prestige Industrial) District.



APPENDIX A




1994 January 25

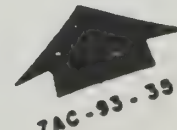
Appendix B as referred to
in Section 2 of the Planning
and Development Committee
Minutes for 1994 January 19



Legend

Proposed change in zoning from:

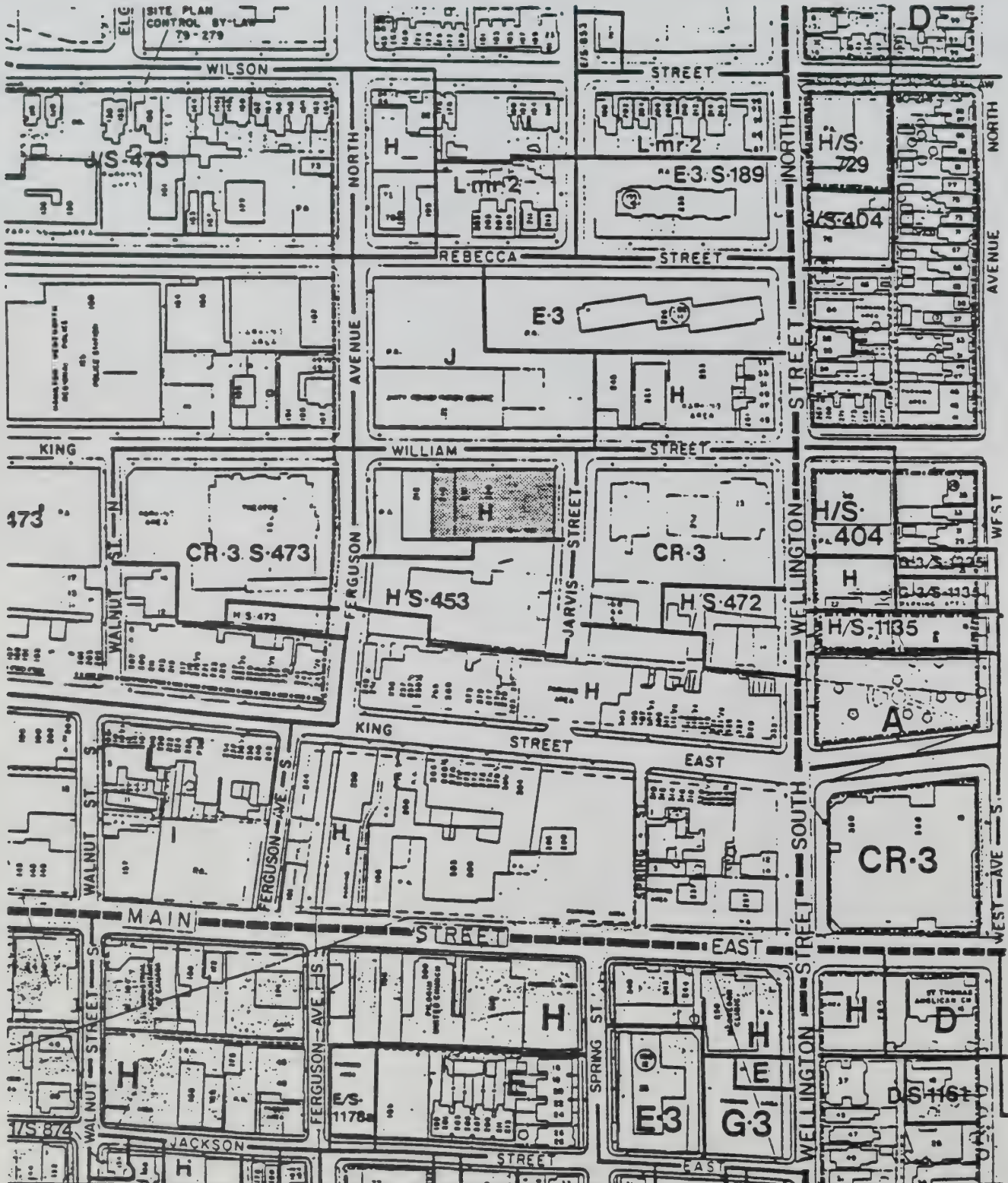
- | | | |
|----------------|---|---|
| BLOCKS 1 and 4 |  | "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District, modified. |
| BLOCK 2 |  | "RT-20" (Townhouse - Maisonette) District, modified to "R-4" (Small Lot Single-Family Detached) District. |
| BLOCK 3 |  | "RT-20" (Townhouse - Maisonette) District, modified to "RT-30" (Street Townhouse) District, modified. |



APPENDIX A

1994 January 25

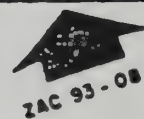
Appendix "C" as referred to
in Section 3 of the Planning
and Development Committee
Minutes for 1994 January 19



Legend



Site of the Application



1994 January 25

Concession Street Business Improvement

Proposed Budget for 1994

Appendix D as referred to
in Section 4B of the Planning
and Development Committee
Minutes for 1994 January 19

Expenses

Advertising and Promotion

| | <u>1993</u> | <u>1994</u> |
|--|-----------------|-----------------|
| Installation & Storing of Christmas Dec. | 3,400. | 4,000. |
| Hydro - Christmas Lights | 600. | 800. |
| Advertising and Promotion | 425. | 2,425. |
| Final Installment Christmas Lights | 2,800. | Nil |
| | <u>\$7,225.</u> | <u>\$7,225.</u> |

Administration

| | | |
|------------------|-----------------|-----------------|
| Association Dues | 300. | 400. |
| Insurance | 500. | 550. |
| Accounting | 300. | 300. |
| Bank Charges | 100. | 100. |
| | <u>\$1,200.</u> | <u>\$1,350.</u> |

Office

| | | |
|------------|------|------|
| Newsletter | 500. | 500. |
|------------|------|------|

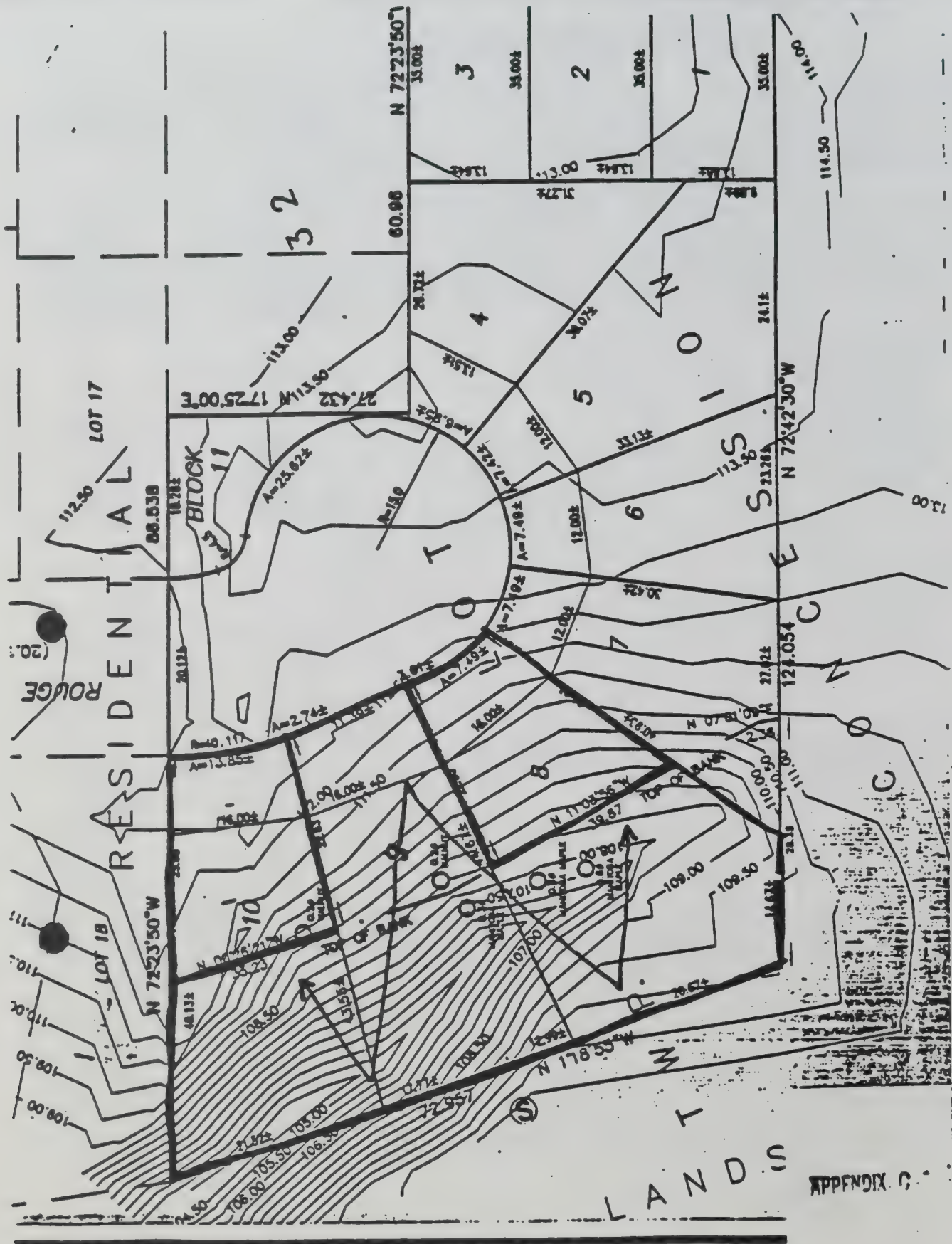
Other

| | | |
|---------------|-----------------|-----------------|
| Miscellaneous | 500. | 500. |
| | <u>\$9,425.</u> | <u>\$9,575.</u> |

Income

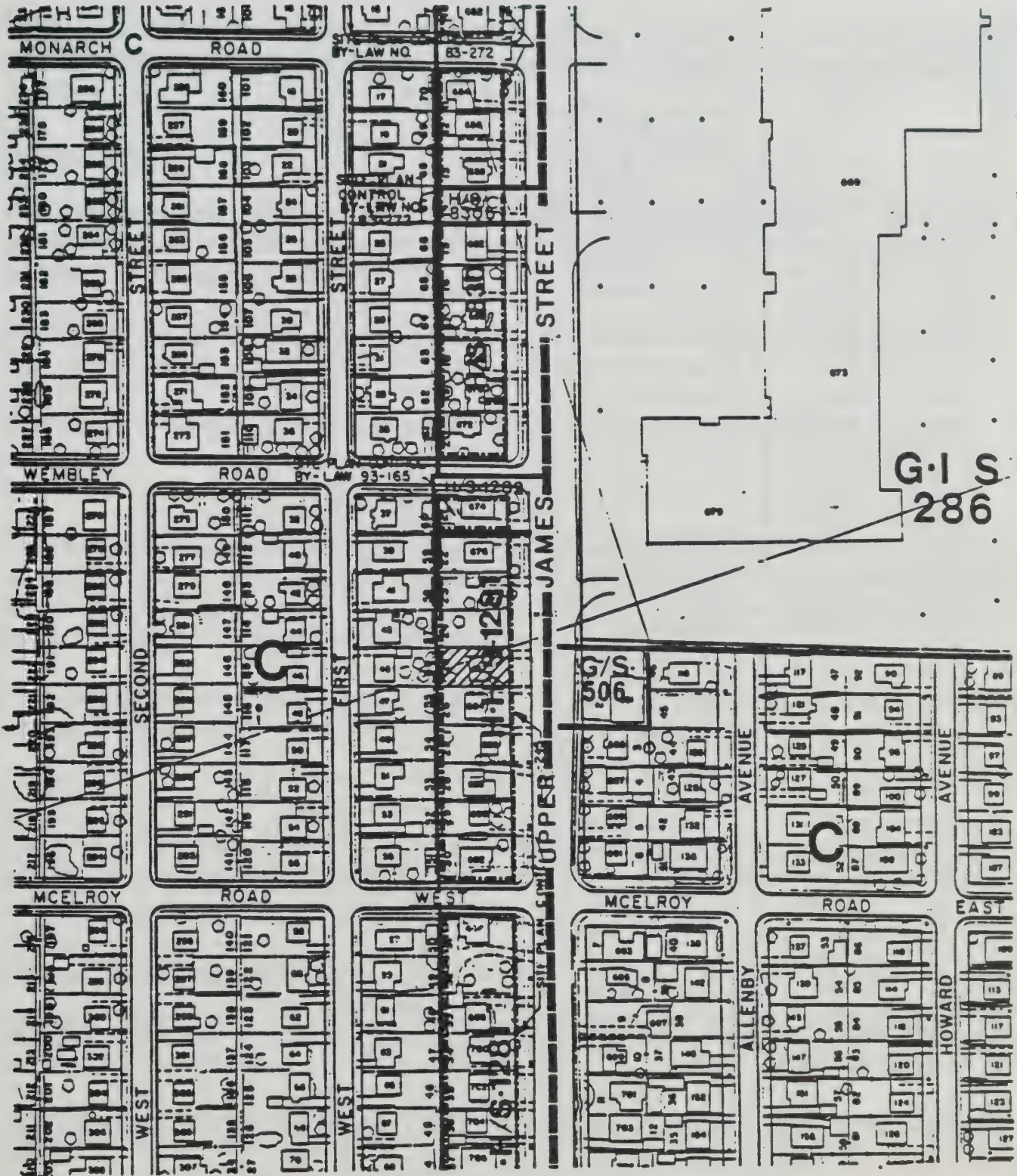
| | |
|--|-----------------|
| BIA Tax Levies | \$8,575. |
| City of Hamilton Grant - Christmas Decorations | 1,000. |
| | <u>\$9,575.</u> |

Section 4E(a) of the Planning and Development Committee Minutes for 1994 January 19



1994 January 25

Appendix "F" as referred to
in Section 4E(c) of the Planning
and Development Committee
Minutes for 1994 January 19

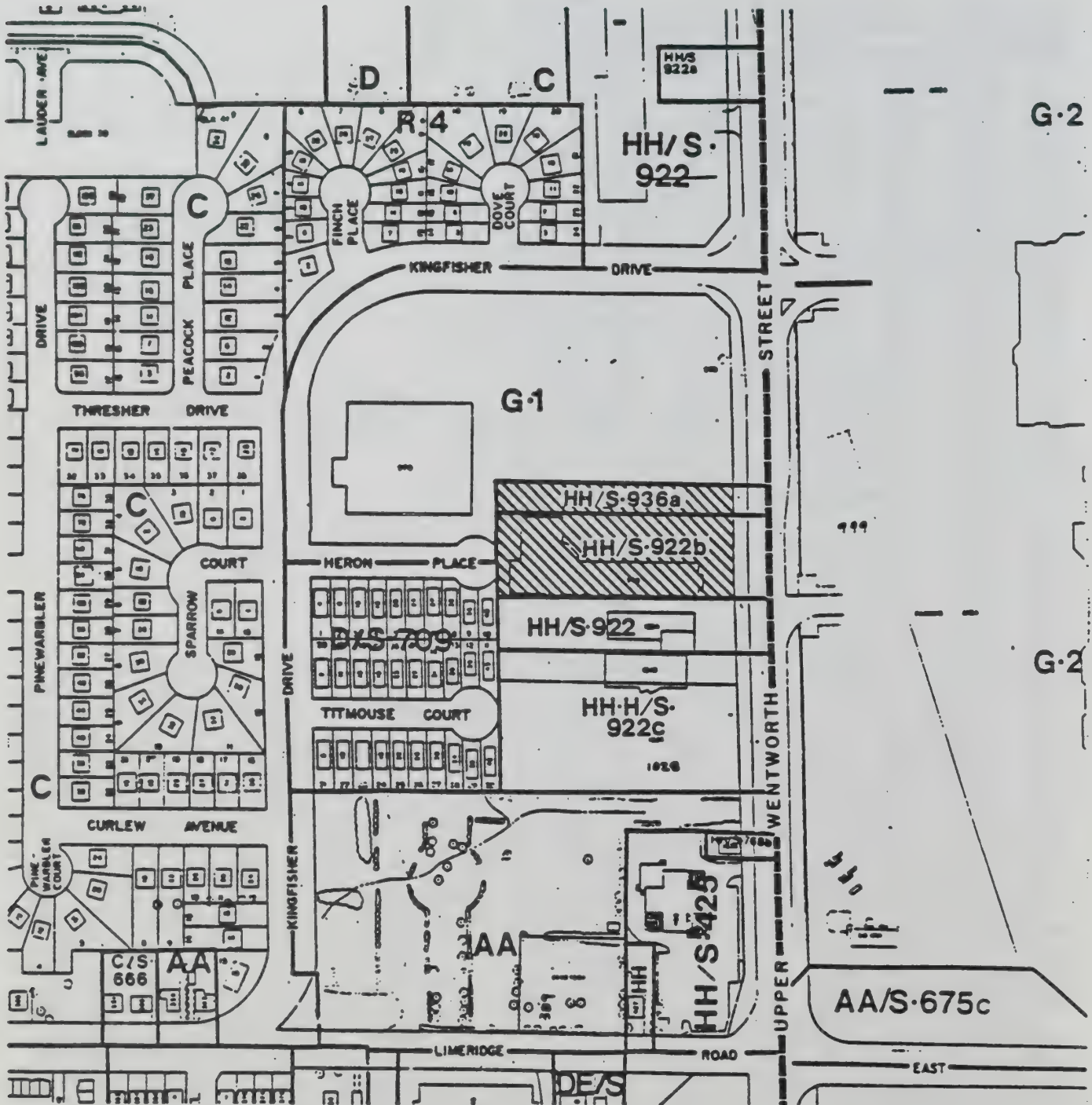


Legend



Site of the Application

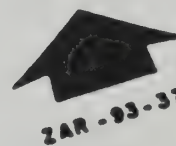
ZAR-93-34



Legend



Site of the Application



SCHEDULE A

THIS IS A BRIEF SYNOPSIS AND FOR A MORE DETAILED DESCRIPTION SEE REPORT TO THE PLANNING AND DEVELOPMENT COMMITTEE DATED JANUARY 4, 1994.

Commercial:

The Building Department, working through a Development Corporation formed by the Social Planning and Research Council will provide seed money to rent existing vacant commercial space.

Monies in the form of low interest loans (3%) would be provided by the City for tenant improvements (maximum of \$20,000 per business).

Security will be provided whenever possible to protect City interests.

Residential:

Low interest loans and grants would be provided for rehabilitation, and in cases of vacant space, conversion. The maximum combination of loan and grant, per unit, would be \$15,000 with the grant being 50%. The City would also establish maximum rent which could be charged.

Owner occupants would also be eligible for the same assistance with municipal protection should units become rental.

Fees:

All redevelopment fees would be waived including Building Permits, and Committee of Adjustment. \$100,000 has been set aside for consultant fees, but if not needed will be used to implement programmes.

Streetscape Improvements:

Streetscape improvements will be undertaken after public consultation with business community.

Initial budget of one (1) million dollars for Phase I, which would involve existing B.I.A.

Phase II would be implemented once the areas designated as Community Improvement and necessary input retrieved.

Study to be made to determine feasibility for business theme.

Ba)

JAN 26 1994

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 January 21

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

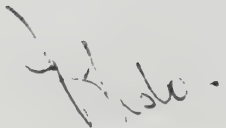
FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: Westdale Village Business Improvement Area (B.I.A.) -
Revised Board of Management.

RECOMMENDATION:

- a) That By-law No.92-074 appointing the Westdale Village B.I.A. Board of Management be amended to delete the following names:
- | | |
|----------------|------------------------------------|
| Janet McDonald | Canadian Imperial Bank of Commerce |
| John Sonke | Westdale Hardware |
| Albert Snow | Albert Snow Hair Design Group |
| John Mouskos | New Village Restaurant |
- b) That in accordance with the provisions of subsections 6 and 8 of Section 220 of the Municipal Act, R.S.O. 1990, City Council appoint the following persons to hold office as a member of the Westdale Village Business Improvement Area:
- | | |
|------------------|-----------------------------|
| Shiela Snider | The Picture Frame |
| Mary-Beth Ledden | Judy Marsales Real Estate |
| Kim Patterson | Westdale Jewellers |
| Bob Vukovic | Westdale Big 'V' |
| Karen Zizzo | The Children's Garden Gifts |
| Brian Coruzzi | Wally Z's Sports Deli |
| Jake Rozenweig | Chez Bon Bon |

- c) That the City Solicitor be authorized and directed to amend By-law No.92-074 pursuant to (a) and (b) above.



Mr. D. Lobo
Director of Public Works


FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Westdale Village B.I.A. held its Annual General Meeting on 1994 January 17 at which time the above members were appointed to the Board of Management to fill vacant positions on the Board due to resignations.

MG:mg

 c.c. Ms. P. Noé Johnson, City Solicitor
Law Department
Att: Mr. A. Zuidema, Solicitor

Bb)
JAN 26 1994

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 January 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

SUBJECT: Westdale Village Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1994.

RECOMMENDATION:

- a) That the 1994 operating budget of the Westdale Village B.I.A. (attached as Schedule 'A') be approved in the amount of twenty-five thousand dollars (\$25,000.); and,
- b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1994 budget as referenced in (a) above; and,
- c) That the following Schedule of Payments for 1994 be approved.

| | |
|--------------|-----------|
| March 01 | \$12,500. |
| September 01 | \$12,500. |

NOTE: 1993 Levy Arrears will be deducted from the two payments for 1994.

Mr. D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of twenty-five thousand dollars (\$25,000.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

BACKGROUND:

At its Annual General Meeting held 1994 January 17, the Westdale Village B.I.A. adopted a budget of twenty-five thousand dollars (\$25,000.).

MG:bg

cc: Mr. A. Ross, City Treasurer

ATTN: Mr. T. Bradbury, Asst. Supervisor - Business Tax

**WESTDALE VILLAGE B.I.A.
1994 Proposed Budget**

| | |
|-----------------------|------------|
| Levy on members | \$ 25,000. |
| Anticipated Shortfall | \$ 7,500. |

| | | |
|----------------------------|------------------|-------------------|
| Office & Internal expenses | \$ 2,500. | |
| Advertising | \$ 3,000. | |
| Sidewalk sale | \$ 2,000. | |
| Insurance | \$ 500. | |
| Hydro | \$ 500. | |
| Auditor | \$ 500. | |
| Beautification | \$ 2,000. | |
| Christmas Decorations | \$ 1,500. | |
| Walk of Hope | \$ 1,000. | |
| Festival | <u>\$ 4,000.</u> | |
| | \$17,500 | \$ 17,500. |

Motion at General meeting
Accepted S. Simpson
Seconded B. Basadur
Carried by acclamation

Ca)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: January 27, 1994


REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1114 UPPER JAMES STREET
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for
1114 UPPER JAMES STREET.



L.C. King, P. Eng.

EB.
LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: Freeway

BRIEF DESCRIPTION: 1 storey brick veneer and detached garage

Owner wishes to demolish the building as the property is required for the freeway. No LACAC interest. Lot size 52' x 583'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

Cb)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: January 27, 1994


REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1138 UPPER JAMES STREET
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for
1138 UPPER JAMES STREET.



L.G. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: Red Hill Creek Expressway

BRIEF DESCRIPTION: 1 storey frame dwelling and attached garage

Owner wishes to demolish the building as the property is required for the freeway. No LACAC interest. Lot size 60' x 258'.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

Da)

Jan 26 1994

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 January 18
(File No. 25CDM-93007)

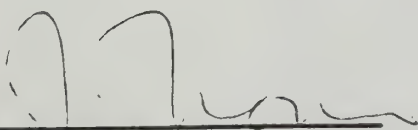
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

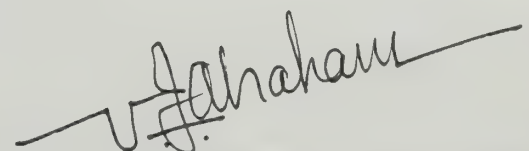
SUBJECT: Proposed Draft Plan of Condominium
"Amanda Heights"

RECOMMENDATION:

- A. That approval be given to application 25CDM-93007, Spallacci Construction (1986) Limited, owner, to establish a draft plan of condominium located on the south side of Limeridge Road East between Upper Wellington Street and Upper Wentworth Street, subject to the following conditions:
- (a) That this approval apply to the plan prepared by John P. Nouwens, O.L.S. (Ashenhurst Nouwens Limited), dated June 16, 1993, showing a 20 unit condominium townhouse development; and,
 - (b) That the owner satisfy all outstanding requirements under Site Plan Application DA-92-54 (excluding any requirements relating to the residential units) to the satisfaction of the City of Hamilton prior to registration of the Final Plan of Condominium;
- B. That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal:

The owner has constructed a 20 unit townhouse development which is intended for condominium ownership.

Location:

The property, known municipally as No. 384-390 Limeridge Road East and is located on the south side of Limeridge Road East between Upper Wellington Street and Upper Wentworth Street in the Bruleville Neighbourhood (location plans attached as Appendix 1 and 2).

Existing Development Control:

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal would comply.

Hamilton Official Plan - the lands are designated "Residential". The proposal would comply.

Neighbourhood Plan - the lands are designated "Low Density Apartments". The proposal would comply.

Zoning - the lands are zoned "DE-3" which permits a total of 20 dwelling units. The proposal would comply.

Niagara Escarpment Plan - the lands are not located within the Development Control Areas.

Comments from Circulation:

The following agencies have either no comment or objection to the approval of this application:

- The Building Department
- The Traffic Department
- Bell Canada, Union Gas
- Ontario Hydro
- Hamilton Hydro
- Hamilton Board of Education
- Ministry of Culture, Tourism and Recreation

The Roads Department has provided the following comments:

"FOR INFORMATION

- 1) *Public storm and sanitary sewers as well as watermains are available on Limeridge Road East and are sufficient to service the proposed development.*

RECOMMENDATIONS

- 1) *That the Applicant satisfy all outstanding requirements under Site Plan Application DA-92-54 (excluding any requirements relating to the residential units) to the satisfaction of the City of Hamilton prior to registration of the Final Plan of Condominium.*

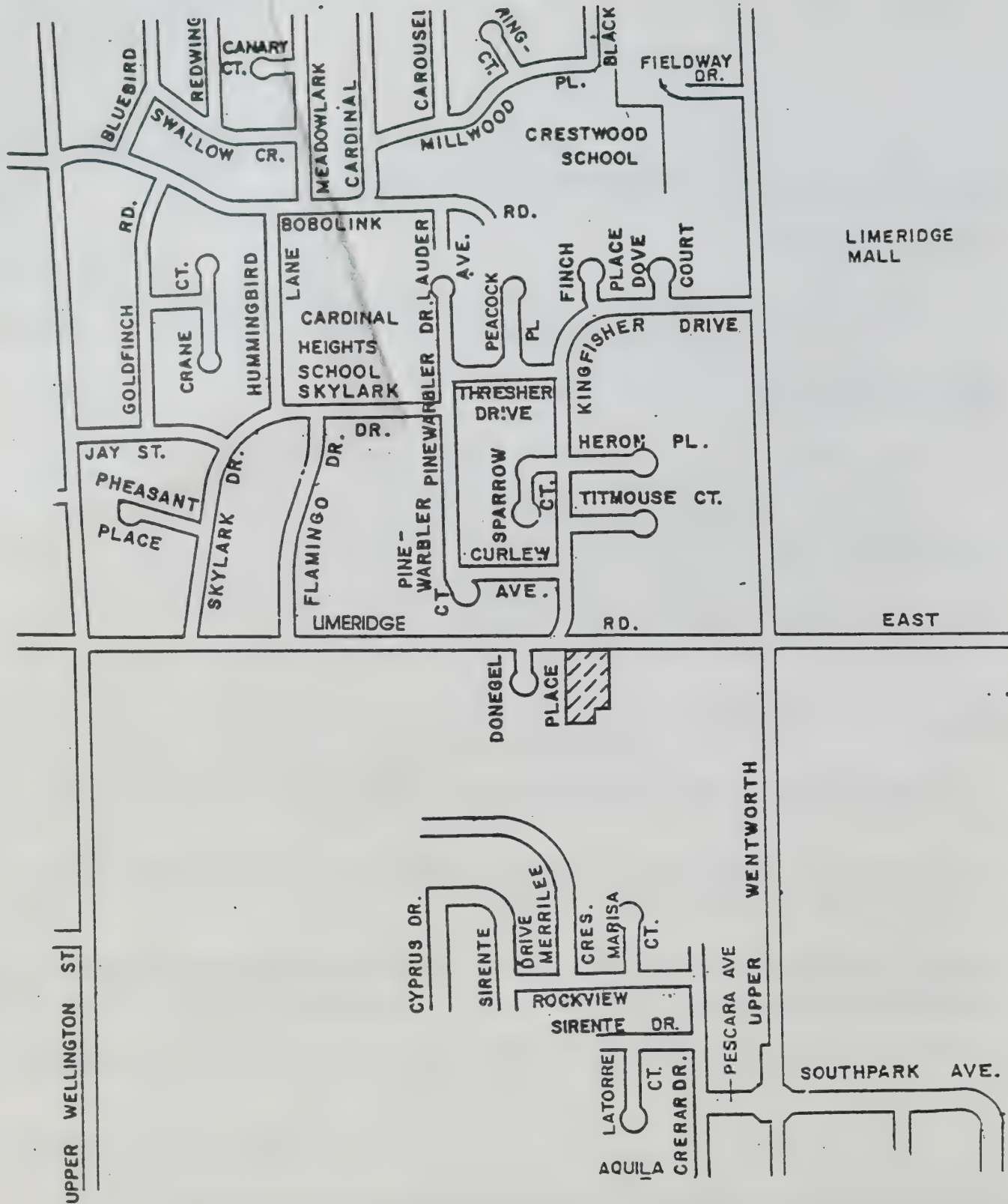
The submitted plan as prepared by John P. Nouwens, O.L.S. dated 1993 June 16 is satisfactory to the Transportation/Environmental Services Group."

COMMENT:

- (1) The proposal complies with the Official Plan, Neighbourhood Plan, and the Zoning By-law.
- (2) This application is related to Site Plan Control application DA-92-54 which was approved on June 21, 1993, subject to various conditions.
- (3) As requested by the Regional Roads Department, approval of this application should be conditional upon the applicant satisfying all of the requirements of Site Plan approval.

RL/LL
Attach.

condo\93007.rep



AMANDA HEIGHTS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North



Scale

N.T.S.

Date

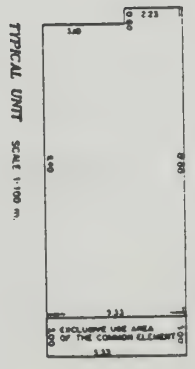
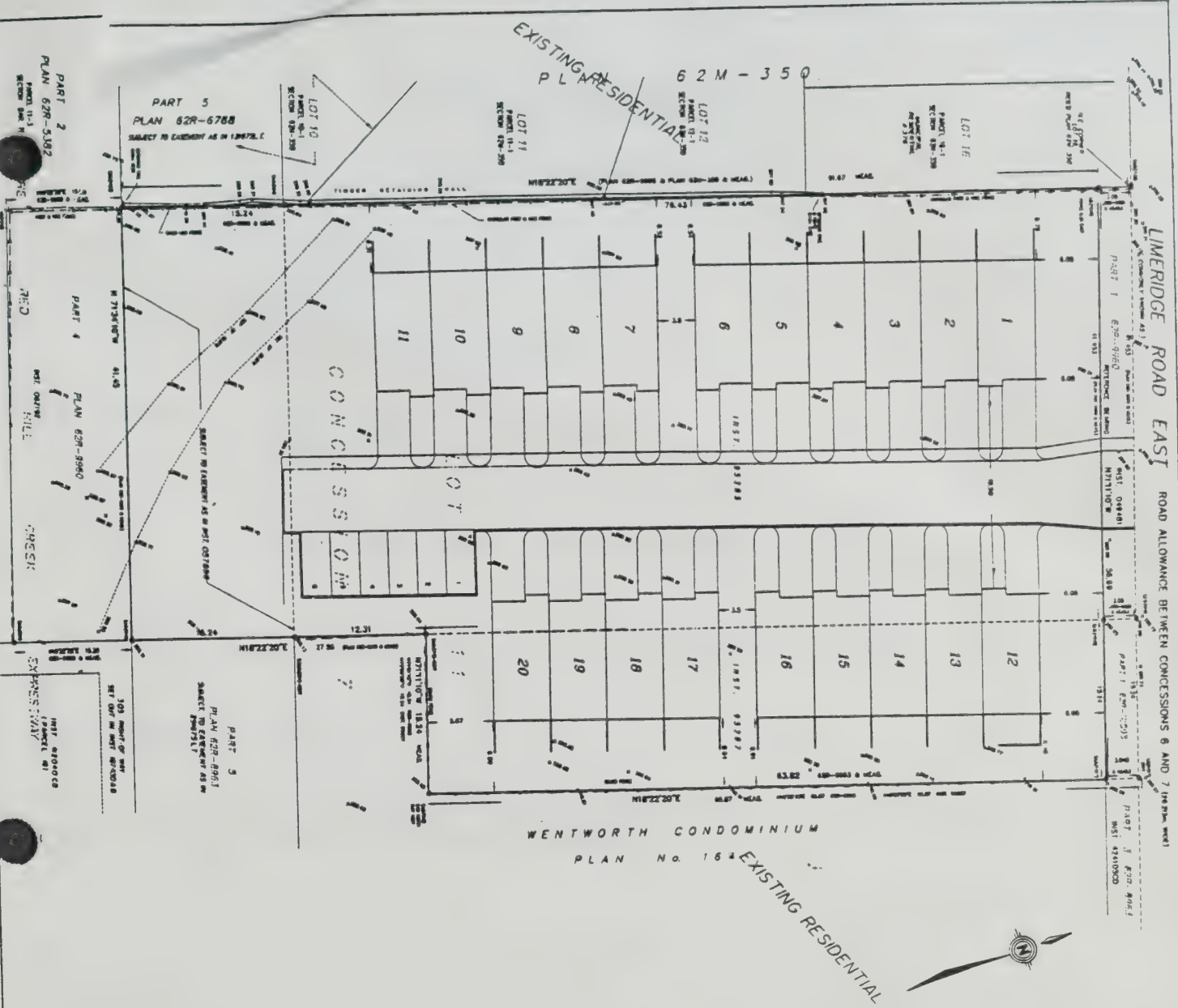
JULY: 1993

Reference File No.

25CDM 93007

Drawing No.

T. ADAMS



AMANDA HEIGHTS
PART LOT 11, CONCESSION 7
IN THE GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:200 m.
JOHN P. NOUWENS ONTARIO LAND SURVEYOR
1993

ASHENHURST NOUWENS LIMITED
Professional Engineers & Ontario Land Surveyors
315 YORK STREET, SUITE 203
WATERLOO, ONTARIO N2L 2G5
(519) 534-4310
(519) 534-4311
(519) 534-4312

SURVEYOR'S CERTIFICATE
I, SURVEYOR, HEREBY CERTIFY THAT THE LAYOUT OF THE BUILDING, AS SHOWN ON THIS PLAN, WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A MEMBER OF THE ONTARIO SOCIETY OF PROFESSIONAL ENGINEERS AND SURVEYORS.

[Signature]
JOHN P. NOUWENS

SCHEDULE 1: SECTION 50(2)

| NO. | DESCRIPTION | DATE |
|-----|-------------|------|
| 1 | AS SHOWN | 1993 |
| 2 | AS SHOWN | 1993 |
| 3 | AS SHOWN | 1993 |
| 4 | AS SHOWN | 1993 |
| 5 | AS SHOWN | 1993 |
| 6 | AS SHOWN | 1993 |
| 7 | AS SHOWN | 1993 |
| 8 | AS SHOWN | 1993 |
| 9 | AS SHOWN | 1993 |
| 10 | AS SHOWN | 1993 |
| 11 | AS SHOWN | 1993 |
| 12 | AS SHOWN | 1993 |
| 13 | AS SHOWN | 1993 |
| 14 | AS SHOWN | 1993 |
| 15 | AS SHOWN | 1993 |
| 16 | AS SHOWN | 1993 |
| 17 | AS SHOWN | 1993 |
| 18 | AS SHOWN | 1993 |
| 19 | AS SHOWN | 1993 |
| 20 | AS SHOWN | 1993 |

OWNER'S CERTIFICATE
I, OWNER, HEREBY CERTIFY THAT THE BUILDING, AS SHOWN ON THIS PLAN, WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A MEMBER OF THE ONTARIO SOCIETY OF PROFESSIONAL ENGINEERS AND SURVEYORS.

[Signature]
SPALACCI CONSTRUCTION (1993) LTD

Db)

May 26 1994

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 January 25
ZA-92-07
Eastmount Neighbourhood

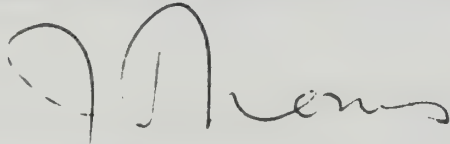
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

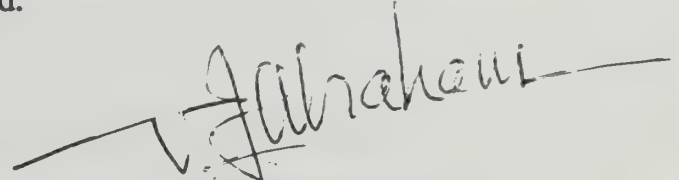
SUBJECT: By-law No. 93-034 - Nos. 625 and 635 Concession Street

RECOMMENDATION:

That the attached By-law, to repeal By-law No. 93-034, be enacted by Council, and that the City Clerk be directed to notify the Ontario Municipal Board.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

By-law No. 93-034 was passed by Council on February 9, 1993. The purpose of the by-law is to provide for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified, for the property located at Nos. 625 and 635 Concession Street. The effect of the By-law is to allow development of an eight storey apartment building and a parish hall, as an addition to the existing church. However, appeals were received, and the By-law has been referred to the Ontario Municipal Board.

As a result of the appeals, the applicant/owner, St. Stephen-on-the-Mount Anglican Church, has requested that By-law No. 93-034 be rescinded, reverting the zoning back to "H" (Community Shopping and Commercial, etc.) District, and that the Ontario Municipal Board be so advised (see APPENDIX "A").

CONCLUSION:

In accordance with the applicant's request, By-law No. 93-034 should be repealed.

Note: The attached By-law to repeal By-law No. 93-034 has been prepared in a form satisfactory to the City Solicitor.

CL-M



St. Stephen-on-the-Mount Anglican Church

625 CONCESSION STREET — HAMILTON, ONTARIO L8V 1B7 — TEL 383-8664

Rector: THE REV. DESMOND FLEMING, B.A., M.R.E.

December 3, 1993

Mr. J. Schatz, City Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario, L8P 1H4

Dear Sir:

REF: ZA 92-07 - By-Law No. 93-034

We have been informed by the Board of Directors of St. Stephen-on-the-Mount Non-Profit Housing Corporation that they are not proceeding further with the proposed project on the site Blocks 1 and 2, 625 and 635 Concession Street. This decision was made after four and a half years negotiations with the Ministry of Housing and the rejection of four separate applications. The Board is now in the process of winding up.

City Council passed a zoning by-law #93-034 on February 9, 1993 to enable this housing project to proceed. There was an appeal to this re-zoning and an O.M.B. hearing is pending.

As the Corporation of the Parish of St. Stephens, owners of the site, we now request the above by-law be rescinded by City Council and that the site revert to the original zoning 'H'. The City will, no doubt, inform the O.M.B. accordingly.

Needless to say there has been great frustration and disappointment experienced by all who were involved in what we considered to be an excellent and viable project on a prestigious site.

We are most appreciative of the support we have received from the City and its officials and regret that we have reached this impasse.

Yours sincerely,

Rector

Rector's Warden

People's Warden

DF/ans

Copy to: Mayor Robert Morrow
Mr. V. Abraham, Planning Dept. ✓
Alderman T. Anderson
Alderman H. Merling
Bishop Walter G. Asbil
Archdeacon Peter Moore

APPENDIX A

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Repeal:

Zoning By-law No. 93-034

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 625 AND 635 CONCESSION STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 93-034 on the 9th day of February 1993;

AND WHEREAS By-law No. 93-034 changed the zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified, with respect to the lands located at Municipal Nos. 625 and 635 Concession Street.

AND WHEREAS By-law No. 93-034 was appealed to the Ontario Municipal Board;

AND WHEREAS the owners of Municipal Nos. 625 and 635 Concession Street have decided not to pursue the zoning application.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 93-034, passed on February 9, 1993, is hereby repealed.

PASSED this

day of

A.D. 1993.

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Repeal:

Zoning By-law No. 93-034

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 625 AND 635 CONCESSION STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 93-034 on the 9th day of February 1993;

AND WHEREAS By-law No. 93-034 changed the zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified, with respect to the lands located at Municipal Nos. 625 and 635 Concession Street.

AND WHEREAS By-law No. 93-034 was appealed to the Ontario Municipal Board;

AND WHEREAS the owners of Municipal Nos. 625 and 635 Concession Street have decided not to pursue the zoning application.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 93-034, passed on February 9, 1993, is hereby repealed.

PASSED this

day of

A.D. 1993.

CITY CLERK

MAYOR

URBAN/MUNICIPAL

CA4 ON HBL AOS
CSIP4
1994



Urban Municipal
Collection
2nd Floor
Hamilton Public Library

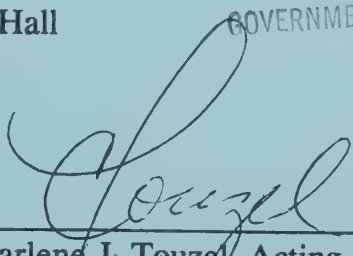
NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 February 16
9:30 o'clock a.m.
Room 233, City Hall

FEB 17 1994

GOVERNMENT DOCUMENTS


Charlene J. Touzel, Acting Secretary
Planning and Development Committee

A G E N D A

9:30 O'CLOCK A.M.

1. PUBLIC MEETING

- a) Amendment to the Official Plan and Zoning Application 93-39, J. Amatangelo, owner, for a redesignation from "Residential" to "Commercial" (Block "2") and changes in zoning from "AA" District to "R-4" District (Block "1"), "G-1" District (Block "2"), and "C" District (Block "3"), for lands located at the northwest corner of Rymal Road West and Garth Street; Falkirk East Neighbourhood
 - (i) Letter of Objection - R. W. Ashbaugh, 509 Rymal Road West
- b) Zoning Application 93-45, 800064 Ontario Inc. (A. DiSilvestro), owner, for a change in zoning from "C - H" District to "R-4" District, for lands located west of Garth Street between Gisele Drive and Rymal Road West; Falkirk East Neighbourhood

2. ALDERMAN AGOSTINO

Grass Cutting Charges - 123 Market Street

3. COMMISSIONER OF PLANNING AND DEVELOPMENT

City of Hamilton Response - Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan (September 1993) (Tabled from last meeting)

4. DIRECTOR OF PROPERTY

Sale of Lands (3.23 acres) and Roadway Alpha West (Sherman Avenue North and Burlington Street East) to Philip Enterprises Inc.

5. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Gartshore-Thomson Building - Designation

6. CONSENT AGENDA

7. PRIVATE AND CONFIDENTIAL AGENDA

8. OTHER BUSINESS

a) Discussion re: Holding of Monthly Meetings (no copy)

b) 1994 National Planning Conference - April 16-20 in San Francisco

9. ADJOURNMENT

CITY OF HAMILTON
- RECOMMENDATION -

1a

DATE: February 8, 1994
ZAC-93-39
Falkirk East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee


FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

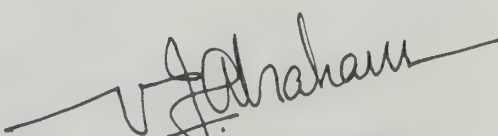
SUBJECT: Request for an Official Plan Amendment and a change in zoning for lands at the north-west corner of Garth Street and Rymal Road West.

RECOMMENDATION:

That Zoning Application 93-39, Mr. Jerry Amatangelo (Intrust), owner, requesting an Official Plan Amendment and change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwellings) District for Block "1"; to "G-1" (Designed Shopping Centre) District for Block "2"; and to "C" (Urban Protected Residential etc.) District for Block "3", for lands located at the north-west corner of Garth Street and Rymal Road West, shown as Blocks "1", "2", and "3" on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) The proposal conflicts with the intent of the Falkirk East Neighbourhood Plan, in that the land area proposed for commercial use is 2.6 x larger than the area designated for commercial use (i.e. 1.0 ac);
- ii) The proposal conflicts with the intent of the Falkirk East Neighbourhood Plan which is to provide for neighbourhood convenience type uses, whereas the requested "G-1" (Designed Shopping Centre) District provides for community based type uses;
- iii) There is an adequate supply of commercially designated and zoned sites in the south mountain area to serve the residents of the community;
- iv) The proposal to permit small lot single-family dwellings conflicts with the intent of the Official Plan, in that the area lacks diversity and would result in an over-concentration of similar dwelling sizes and types within the easterly portion of the Falkirk East Neighbourhood; and,
- v) Approval of the application would not contribute to a desirable mix of housing and, if approved, would encourage other similar applications.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Mr. Jerry Amatangelo (Intrust), owner.

BACKGROUND:

- Proposal

The applicant has applied for an Official Plan Amendment and changes in zoning, for lands located at the northwest corner of Rymal Road West and Garth Street, as shown on the attached map, on the following basis:

- Block "1" - change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwelling) District.
- Block "2" - Official Plan redesignation from "Residential" to "Commercial"; and,
 - change in zoning from "AA" (Agricultural) District to "G-1" (Designed Shopping Centre) District.
- Block "3" - change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The purpose of the application is to permit future development of Block "1" for 16 small lot single-family dwellings fronting onto the proposed extension of Lynette Drive (Lynette Court), Block "2" for a commercial shopping centre comprised of two (2) buildings (Building 'A' - three (3) storeys, Building 'B' - one (1) storey, total G.F.A. - 4,284 m²) with 149 parking spaces, and Block "3" for 7 single-family dwellings fronting onto Alfrin Court (see Appendix "B").

LOT SIZE AND AREA:

- 136.846 m (448.97 ft.) of lot frontage on Garth Street;
- 202.747 m (665.18 ft.) of lot depth; and,
- 2.428 ha (5.9 acres) of lot area.

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|----------------------|--------------------------|------------------------------|
| <u>Subject Lands</u> | Vacant | "AA" (Agricultural) District |

Surrounding Lands

| | | |
|--------------|--|--|
| to the north | Vacant | "C"- 'H' (Urban Protected Residential, etc.- Holding) District, modified, "R-4" (Small Lot Single - Family Dwelling) District, modified and "C" (Urban Protected Residential, etc. - Holding) District, modified |
| to the west | Small Lot Single-Family Dwellings | "R-4" (Small Lot Single -Family Dwelling) District, modified |
| to the east | Vacant lands of the St. Elizabeth Home Society | "DE"- 'H' (Low Density Multiple Dwellings - Holding) District, modified |
| to the south | Vacant lands and Single-Family Dwellings | "AA" (Agricultural) District |

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule A - Land Use Concept of the Official Plan. The following policies of Subsection A.2.1 Residential Uses and Subsection A.2.2 - Commercial Uses should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;"

The following policies of Subsection A.2.2 - Commercial Uses should be noted for the commercial component of the proposal:

"A.2.2.6 The SHOPPING CENTRES category applies to groups of Commercial establishments planned and developed as a unit, and having no less than 1,400 square metres of gross floor area.

A.2.2.8 Council recognizes SHOPPING CENTRES as appropriate forms of Commercial development necessary to the economic health of the City and the Region. In this regard, Council will utilize the following classifications of SHOPPING CENTRES, where applicable, in the preparation of Neighbourhood Plans:

- iv) A Neighbourhood SHOPPING CENTRE will have a gross floor area of 2,000 square metres to a maximum of 14,000 square metres.

A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.36 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

A.2.2.37 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will

require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

- A.2.2.40 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

The proposal conflicts with the intent of the Official Plan. The application requires an Official Plan amendment to redesignate Block "2" from "Residential" to "Commercial".

NEIGHBOURHOOD PLAN:

The lands are designated "SINGLE AND DOUBLE RESIDENTIAL" (Blocks "1" and "3", and the westerly portion of Block "2") and "COMMERCIAL" (easterly portion of Block "2") on the approved Falkirk East Neighbourhood Plan. The proposal does not comply with the intent of the Plan. If approved a redesignation would be required for the westerly portion of Block "2" from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL". Furthermore, a neighbourhood plan amendment would be required to change the approved road pattern as per the submitted plan, and realign the 20 ft. planting strip to abut the proposed residential development.

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:

- Building Department;
- Traffic Department;
- Union Gas; and,
- Hamilton Region Conservation Authority.

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewer available to service these lands. Blocks 1 and 2 must be serviced to the sewers to the north. Block 2 can be serviced to the sewers on Rymal Road.

The designated road allowance width of Garth Street is 36.58m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the city to establish the property line 18.29m from the centreline of the original Garth Street road allowance.

The designated road allowance width of Rymal Road is 36.58m. In accordance with this designation, we recommend that as a condition of development approval that a strip of land 4.8936m in width, adjacent to lands to be rezoned, be dedicated to the Region for road widening purposes. The original plan submitted by the applicant indicates a 9.97m road widening on Rymal road and the applicant may wish to discuss this apparent road widening difference with our staff.

We require that as a condition of development approval that a 12m by 12m daylight triangle, established at the widened north west angle of Rymal Road and Garth Street, be dedicated to the Region for road widening purposes.

The subject lands must be developed through a satisfactory plan of subdivision and the R-4 residential lands on the north side cannot be developed until Lynette Drive and Lynette Court are established and constructed to their full widths.

According to plans submitted by the applicant, access to the residential lots adjacent to Garth Street will be from the internal road system only and not Garth Street and we have reviewed the plan on that basis. the City of Hamilton may wish to establish a 0.30m reserve adjacent to residential lands backing onto Garth Street to eliminate the creation of through lots.

For the applicants information, we will require a 2m by 2m daylight triangle at the north east corner of Lynette Drive and Lynette Court and 9m transitions into and out of the cul-de-sac built on Lynette Court.

As a condition of development approval, the 0.30m reserve on Alfrin Court, shown as Block 143 on Plan 62M-679, must be lifted and all outstanding servicing costs be paid to the City/Region.

Access to Lot 1 on Alfrin Court, adjacent to Rymal Road, must be from Alfrin Court only and not Rymal Road.

As you are aware, the owner of adjacent lands to the west has met with staff to extend Alfrin Court northerly and realign the lot lines different than that shown on the plan submitted with this application. This matter should be resolved at this time.

The purposed change in the neighbourhood plan, as shown on the applicants development plan, will result in a cul-de-sac length of approximately 160 to 165m on Lynette Drive and Lynette Court. Comments from the City of Hamilton Traffic Department and the respective emergency agencies on this matter should be considered.

The Public Transit Department has reviewed the proposed neighbourhood plan changes and submits the following comments:

- i) They concur with the recommendation of the City of Hamilton Traffic Department that a walkway be established between the east end of Lynette Court and Garth Street.
- ii) As a condition of development approval, a municipal sidewalk should be constructed on the north side of Rymal Road between Alfrin Court and the proposed commercial block. This matter can be addressed through subdivision control.

Details of the accesses to the commercial block will be addressed at the site plan stage. The limited frontage on Garth Street may restrict access or permit access to Garth Street

on the north side of the commercial block only. The applicant should be advised that the future intersection reconstruction and widening of Rymal Road and Garth Street will likely include the construction of raised concrete median islands which will restrict access to these lands at some future date."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. The application requires an Official Plan Amendment to redesignate Block "2" from "Residential" to "Commercial".
2. The proposal conflicts with the Falkirk East Neighbourhood Plan. If approved, a redesignation would be required for the westerly portion of Block "2" from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL". Furthermore, a neighbourhood plan amendment would be required to change the approved road pattern as per the submitted plan, and realign the 20 ft. planting strip to abut the proposed residential development.
3. The proposal cannot be supported for the following reasons:
 - i) The proposal conflicts with the Falkirk East Neighbourhood Plan. In this regard, the land area proposed for commercial use is 2.6 x larger than the area designated for commercial use (i.e. 1.0 ac);
 - ii) The proposal conflicts with the intent of the Falkirk East Neighbourhood Plan which is to provide for neighbourhood convenience type uses (i.e. barbershop/hairdresser, drugstore, hardware store, medical office, etc.), whereas the requested "G-1" (Designed Shopping Centre) District provides for community based type uses (e.g. theatre, liquor store, automobile service station, carwash, etc.) which are intended to serve the community rather than immediate neighbourhood. These community based uses are presently located along Upper James Street and at the intersection of Rymal Road and Upper James.

Furthermore, from a neighbourhood planning and design perspective neighbourhood convenience type commercial sites have a maximum land area designation of 1.0 acre. This design criteria is reflected in the Zoning By-law in that the "G-4" (Designed Neighbourhood Shopping Area) District only allows a maximum lot area of 4,000 m² (1.0 ac), whereas the proposed "G-1" (Designed Shopping Centre) District has a minimum lot area of 4,000 m² (1.0 ac);

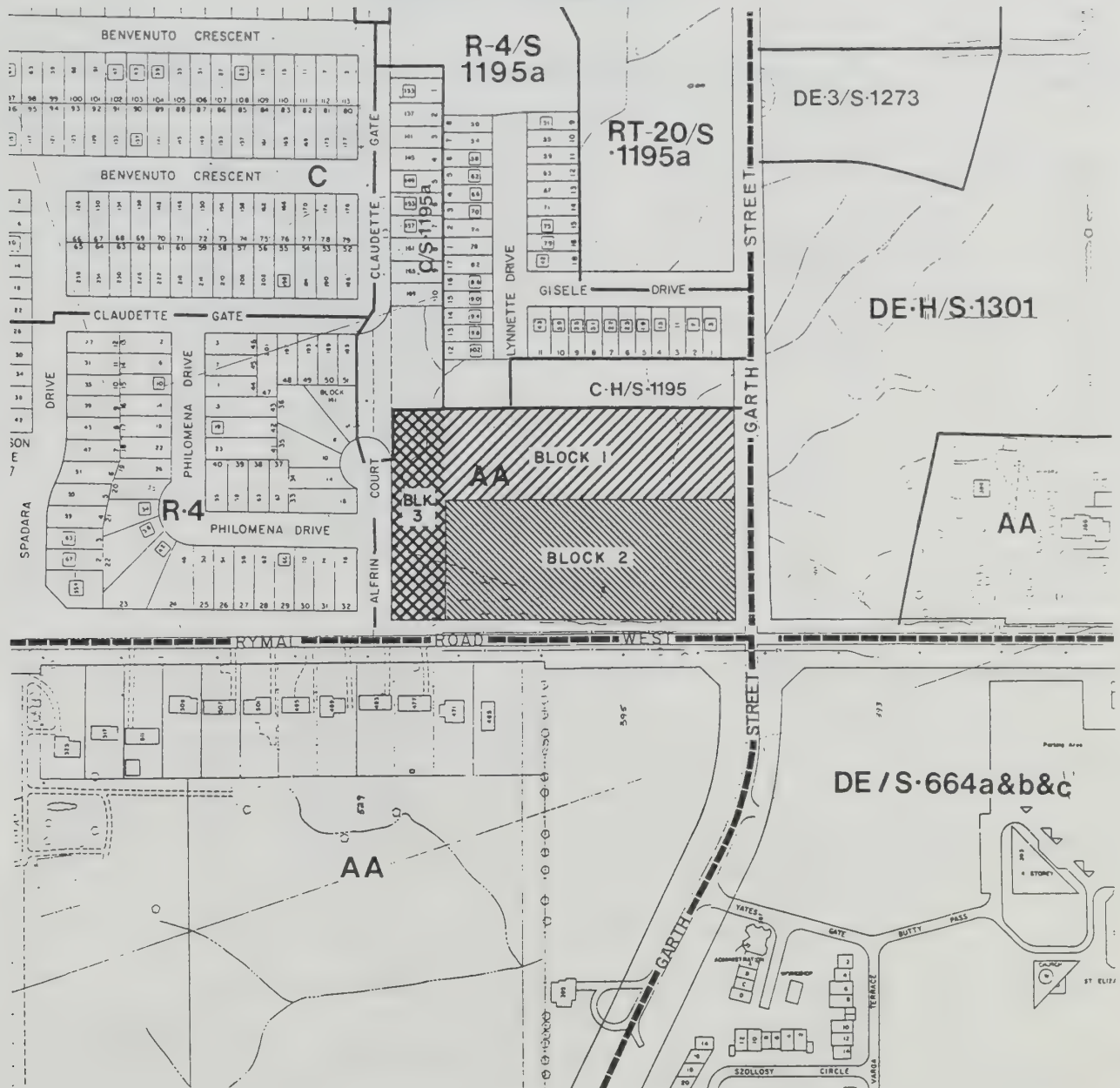
- iii) There is an adequate supply of commercially designated and zoned sites in the south mountain area to serve the residents of the community (i.e. Rymal Road and Upper James, and Upper Paradise and Stone Church Road). In addition, the proposed Falkirk West Neighbourhood Plan provides for a neighbourhood convenience commercial site at the north-west corner of Upper Paradise and Rymal Road.

- iv) The proposal to permit small lot single-family dwellings conflicts with the intent of the Official Plan in that the area lacks diversity and would result in an over-concentration of similar dwelling sizes and types within the easterly portion of the Falkirk East Neighbourhood. From a design perspective, the smaller lots have been accommodated on the neighbourhood collector roads to the north and the cul-de-sacs have been reserved for the larger conventional "C" - District single-family lots;
- v) Approval of the application would not contribute to a desirable mix of housing and, if approved, would encourage other similar applications.

CONCLUSION:




Based on the foregoing, the proposal cannot be supported.

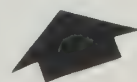
JL/jl
WPZAC9339



Legend

Proposed change in zoning from "AA" (Agricultural) District to:

- | | | |
|---------|---|--|
| BLOCK 1 |  | "R-4" (Small Lot Single-Family Detached) District. |
| BLOCK 2 |  | "G-1" (Designed Shopping Centre) District. |
| BLOCK 3 |  | "C" (Urban Protected Residential, etc.) District. |

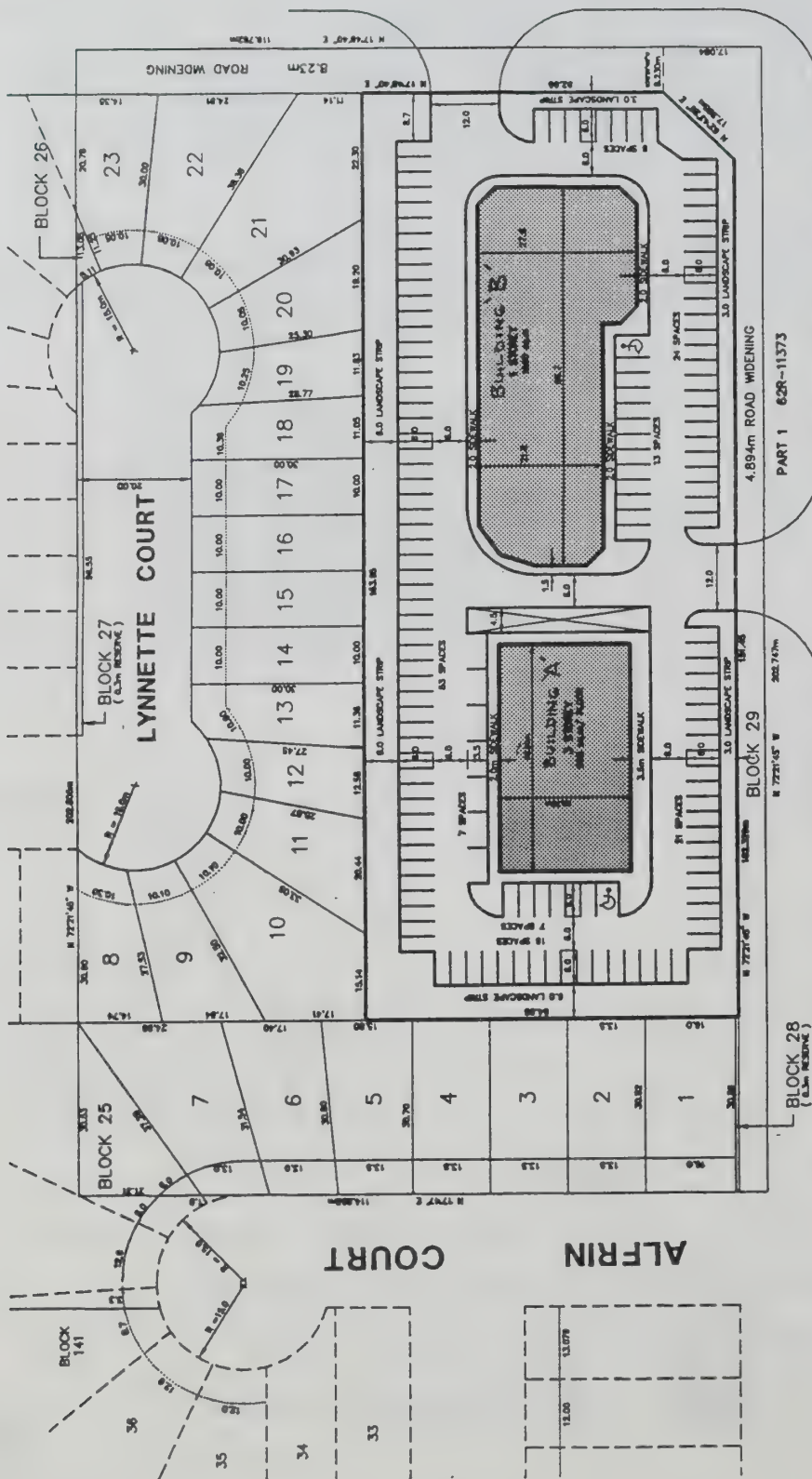


ZAC-93-39

APPENDIX A



GARTH STREET



REGIONAL ROAD 153 - RYMAL ROAD

(FORMERLY THE KING'S HIGHWAY 53)

Lai

ZA-93-39. FEB 07 1994

FEB. 1. 1994.

FEB 07 1994

I AM OPPOSED ONLY TO THE CHANGE OF BLOCK 2 TO A SHOPPING CENTRE. THE SHOPPING CENTRES AT JAMES & RYMAL, GARTH & GARROW, AND STONE CHURCH & PARADISE HAVE NEVER BEEN FULLY OCCUPIED AND ANOTHER SHOPPING CENTRE AT RYMAL & GARTH SEEMS UNNECESSARY. MY MAIN OPPOSITION TO THIS SHOPPING CENTRE IS THE TRAFFIC INCREASE THIS WOULD CREATE. WE ALREADY HAVE CONSIDERABLE DIFFICULTY GETTING ONTO RYMAL ROAD FROM OUR RESIDENCE AND THIS WOULD ONLY ADD TO THE PROBLEM.

WOULD YOU PLEASE ADVISE ME OF MEETING DATES AND COUNCIL DECISIONS.

R.W. ASHBANGIT
509 RYMAL ROAD
HAMILTON
L9B 1B7

ZA-93-39

1b

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 7, 1994
ZAC-93-45
Falkirk East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification in Zoning for lands west of
Garth Street between Gisele Drive and Rymal Road West.

RECOMMENDATION:

1. That Zoning Application 93-45, 800064 Ontario Inc. (A. DiSilvestro), owner, requesting a change in zoning from "C"- 'H' (Urban Protected Residential, etc.- Holding) District to "R-4" (Small Lot Single-Family Dwelling) District, for lands located west of Garth Street between Gisele Drive and Rymal Road West, shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:
 - i) The proposal to permit small lot single-family dwellings conflicts with the intent of the Official Plan in that the area lacks diversity and would result in an over-concentration of similar dwelling sizes and types within the easterly portion of the Falkirk East Neighbourhood; and,
 - ii) Approval of the application would not contribute to a desirable mix of housing and, if approved, would encourage other similar applications.
2. That approval be given to amended Zoning Application 93-45, 800064 Ontario Inc. (A. DiSilvestro), owner, for removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit the development of the subject lands for single-family dwellings, and that the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 90- 311, and Zoning District Map W-27D for presentation to City Council, for lands located west of Garth Street between Gisele Drive and Rymal Road West, as shown on the attached map marked as Appendix "A". The 'H'(Holding) provision was placed on the lands until the installation of all municipal sewers as the City deems necessary.

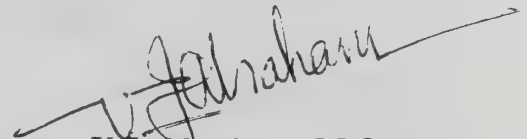
EXPLANATORY NOTE:

The purpose of this By-law is to remove the 'H' (Holding) symbol, for lands located west of Garth Street between Gisele Drive and Rymal Road West, as shown on the attached map marked as Appendix "A". The 'H'(Holding) provision was placed on the lands until the installation of all municipal sewers as the City deems necessary. In this regard, the Roads Department has advised that there are municipal sewers available to service these lands.

The effect of the By-law is to permit development of the subject lands for seven (7) single-family dwelling lots, in accordance with the "C" (Urban Protected Residential, etc.) District regulations, as set out under By-law No. 90-311.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

800064 Ontario Inc. (A. DiSilvestro), owner.

BACKGROUND:

- Proposal

The applicants have applied for a change in zoning from "C" - 'H' (Urban Protected Residential, etc. - Holding) District to "R-4" (Small Lot Single-Family Dwelling) District, for lands located west of Garth Street between Gisele Drive and Rymal Road West, as shown on Appendix "A".

The purpose of the proposed change in zoning is to permit development of the subject lands for eight (8) to nine (9) small lot single-family dwellings lots with an average width of 10.3 m (33 ft.) and lot area of 300.0 m² (3,229.0 sq. ft.). The lands are to be developed in conjunction with lands immediately to the south (ZAC-93-39[see Appendix "B"]). The subject lands are presently vacant.

- Zoning Application 90-09

City Council at its meeting held on November 13, 1990, passed By-law No. 90-311 which rezoned, among other lands, the subject lands from "AA" (Agricultural) District to "C"- 'H' (Urban Protected Residential, etc. - Holding) District (part of the Claudette Gardens plan of subdivision [see Appendix "C" & "D" - Block "3"]). The purpose of the By-law is to permit development of the subject lands in conjunction with a draft plan of subdivision for seven (7) single-family dwellings. By-law 90-311 came into effect on December 18, 1991. The subject lands were placed in a holding by-law until municipal sewers are installed.

- Zoning Application 93-14

The Planning and Development Committee at its meeting held on August 25, 1993, **approved** an amended application to rezone a portion of the applicants lands located north of the subject lands and south of Claudette Gate, from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Dwelling) District, to permit future small lot single-family dwellings (see APPENDIX "A").

City Council at its meeting held on August 31, 1993, adopted the recommendation of the Planning and Development Committee. By-law No. 93-212 came into effect on November 23, 1993.

LOT SIZE AND AREA:

- 30.0 m (98.42 ft.) of lot frontage on Garth Street;
- 131.62 m (431.82 ft.) of lot depth; and,
- 0.396 ha (0.98 acres) of lot area.

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|--|---|
| <u>Subject Lands</u> | Vacant | "C" - 'H' (Urban Protected Residential, etc. - Holding) District, modified. |
| <u>Surrounding Lands</u> | | |
| to the north, and west | Small Lot Single-Family Detached Dwellings | "R-4" (Small Lot Single-Family Dwelling) District, modified |

| | | |
|--------------|---|---|
| to the east | Vacant lands of the St. Elizabeth Home Society | "DE"- 'H' (Low Density Multiple Dwellings - Holding) District, modified |
| to the south | Vacant | "AA" (Agricultural) District |

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, policies from Subsection C.7 - Residential Environment and Housing Policy should be noted:

- "C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern, and;
- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents."

The proposal conflicts with the intent of the Official Plan. However, if approved an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

The lands are designated "Single and Double Residential" on the approved Falkirk East Neighbourhood plan. The proposal does not conflict with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

The following Agencies have no comment or objection:

- Building Department;
 - Traffic Department;
 - Union gas; and,
 - Hamilton Region Conservation Authority.
- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Garth Street is 36.58m. In accordance with this designation, we require that as a condition of development approval that sufficient lands be dedicated to the City of Hamilton for road widening purposes to establish the property line 18.29m from the centreline of the original Garth Street road allowance.

The subject lands should be developed through a satisfactory plan of subdivision and cannot be developed until Lynette Drive and Court are established to their full widths as a public highway and constructed accordingly.

According to plans submitted by the applicant, access to lots will be from the internal road system only and not Garth Street and we have reviewed this application on this basis. The City of Hamilton may wish to establish a 0.30m reserve adjacent to Garth Street to eliminate the creation of through lots.

We required a 2m by 2m daylight triangle from the proposed lot on the north east corner of Lynette Drive and Lynette Court.

We require 9m radii transitions into and out of the proposed cul-de-sac bulb on Lynette Court.

The proposed change in the neighbourhood plan will result in a cul-de-sac length of approximately 160 to 165m on Lynette Drive and Lynette Court. Comments from the City

of Hamilton Traffic Department and the respective emergency agencies on matter should be considered.

Other comments relating to overall development of this area, comments from the Public Transit Section and modifications to the approved neighbourhood plan will be submitted under ZA-93-39."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. However, if approved an Official Plan Amendment would not be required.
2. The proposal does not conflict with the intent of the approved Falkirk East Neighbourhood Plan.
3. The proposal cannot be supported for the following reasons:
 - i) Although an Official Plan Amendment would not be required, the proposal to permit small lot single-family dwellings conflicts with the intent of the Official Plan in that the area lacks diversity and would result in an over-concentration of similar dwelling sizes and types within the easterly portion of the Falkirk East Neighbourhood.

Thus, it would be appropriate to maintain the "C" (Urban Protected Residential, etc.) District zoning. From a design perspective, the smaller lots have been accommodated on the neighbourhood collector roads to the north and the cul-de-sacs have been reserved for the larger conventional "C" -District single family lots.

- iii) Approval of the application would not contribute to a desirable mix of housing and, if approved, would encourage other similar applications. In this regard, an application for "R-4" (Small Lot Single-Family Dwelling) District has been submitted for the adjoining lands to the south (see Appendix "B").

It should be noted that at the time the initial zoning application/draft plan of subdivision (ZA-90-09, 25T-90001) was approved, the Falkirk East Neighbourhood Plan designated the entire subdivision site "SINGLE and DOUBLE RESIDENTIAL" (see Appendix "C"). However, as a result of negotiations with the applicant, the plan was amended by redesignating a portion of the lands for townhouses from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING", thus providing for increased density at that time. Furthermore, the density of the neighbourhood was further increased, as a result of negotiations with the applicant on a subsequent rezoning application (ZAC-93-41) from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Dwelling) District, to permit small lot single-family detached dwellings to the north of the subject lands (see APPENDIX "A").

The following is a breakdown of the lots created as per the above-mentioned zoning amendments:

- The Draft Approved Plan of Subdivision Claudette Gardens 25T - 90001 (ZA-93-09):
 - 76 lots for conventional single-family dwellings ("C" District);
 - 51 lots for small lot single-family dwellings ("R-4" District); and
 - approximately 63 townhouse units ("RT-20" District).
 - After amended Zoning Application 93-14:
 - 41 lots for conventional single-family dwellings ("C" District);
 - 92 lots for small lot single-family dwellings ("R-4" District) ; and
 - approximately 63 townhouse units ("DE-2" and "RT-20" Districts).
 - If the subject Zoning Application 93-45 was approved:
 - 34 lots for conventional single-family dwellings ("C" District);
 - 100 lots for small lot single-family dwellings ("R-4" District) ; and
 - approximately 63 townhouse units ("DE-2" and "RT-20" Districts).
4. Consideration could be given to an amended application for removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit the development of the subject lands for single-family dwellings, in accordance with the "C" (Urban Protected Residential, etc.) District regulations, as set out under By-law No. 90-311 and the Claudette Gardens Draft Approved Plan of Subdivision (Regional File 25T-90001). The 'H'(Holding) provision was placed on the lands until the installation of all municipal sewers as the City deems necessary. In this regard, the Roads Department has advised that there are municipal sewers available to service these lands.

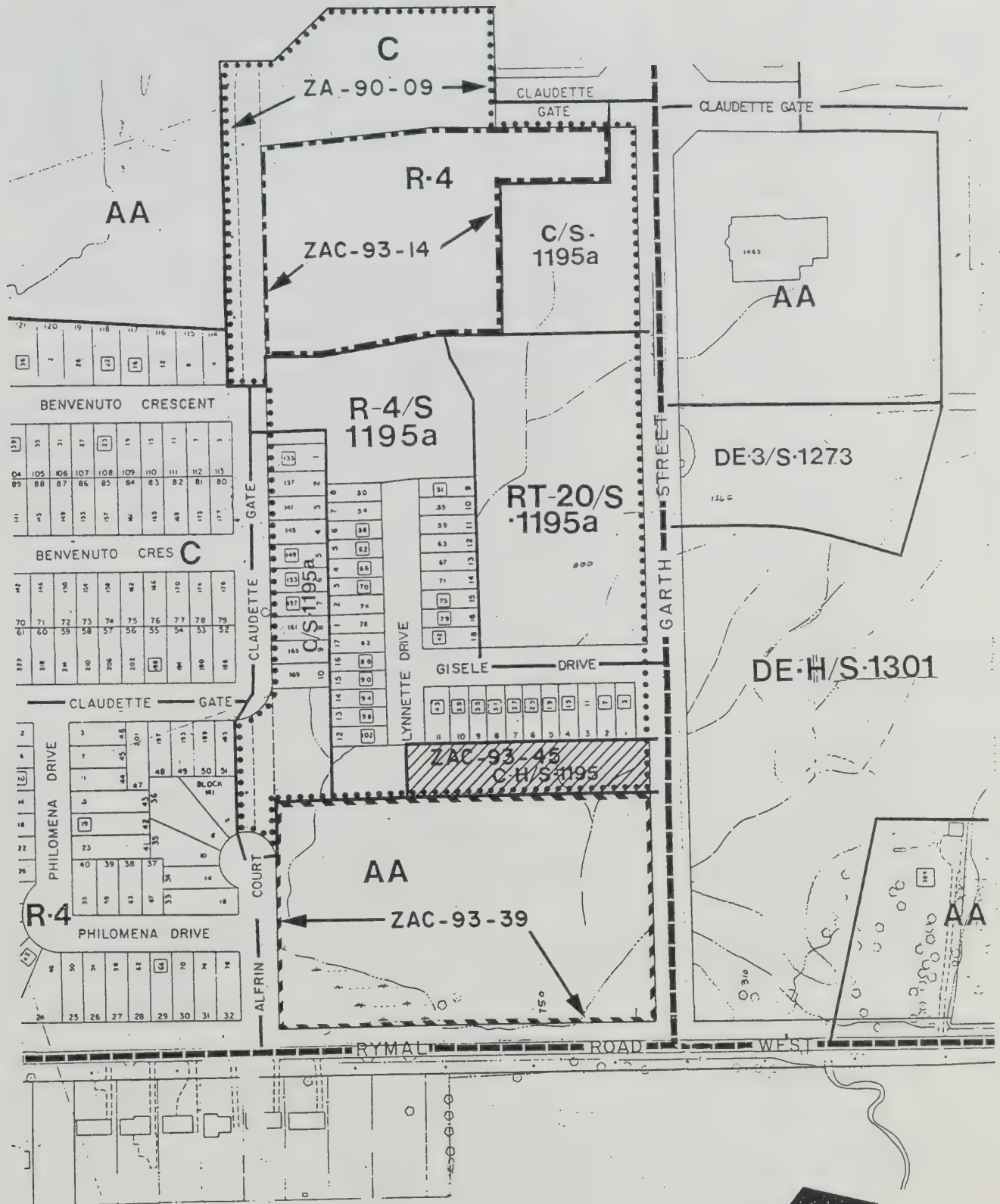
The adjacent roadway improvements and the 0.30 m reserve adjacent to Garth Street will be addressed through the subdivision process.

CONCLUSION:

Based on the foregoing, the proposal **cannot be supported** as submitted. However, approval of an amended application for removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act, to permit the development of the subject lands for single-family dwellings, in accordance with the "C" (Urban Protected Residential, etc.) District regulations, as set out under By-law No. 90-311 and the Claudette Gardens Draft Approved Plan of Subdivision (Regional File 25T-90001), could be considered.

JL/jl

WPZAC9345



Legend



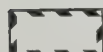
Site of the Application



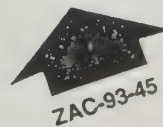
ZAC-90-09



ZAC-93-14



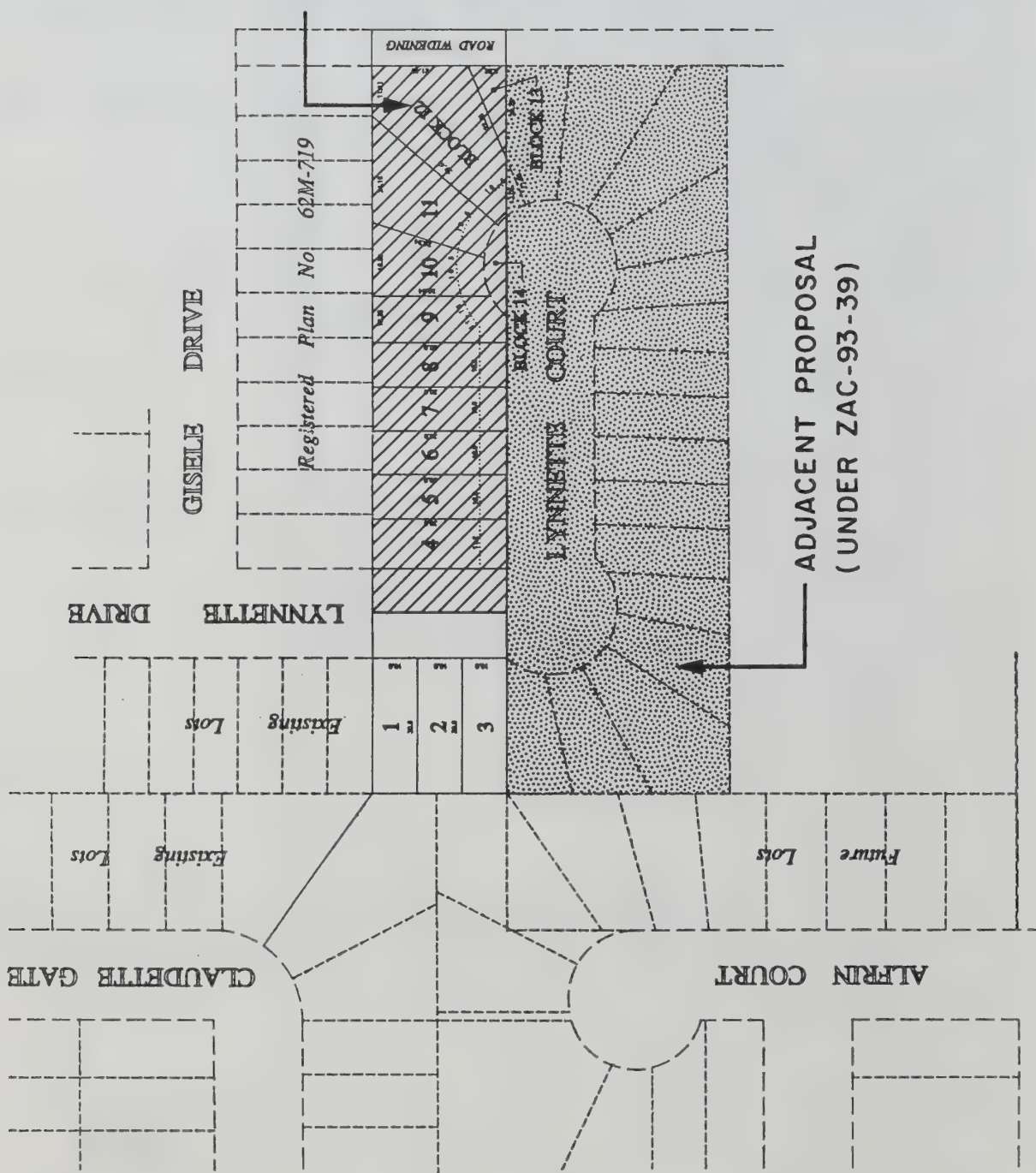
ZAC-93-39





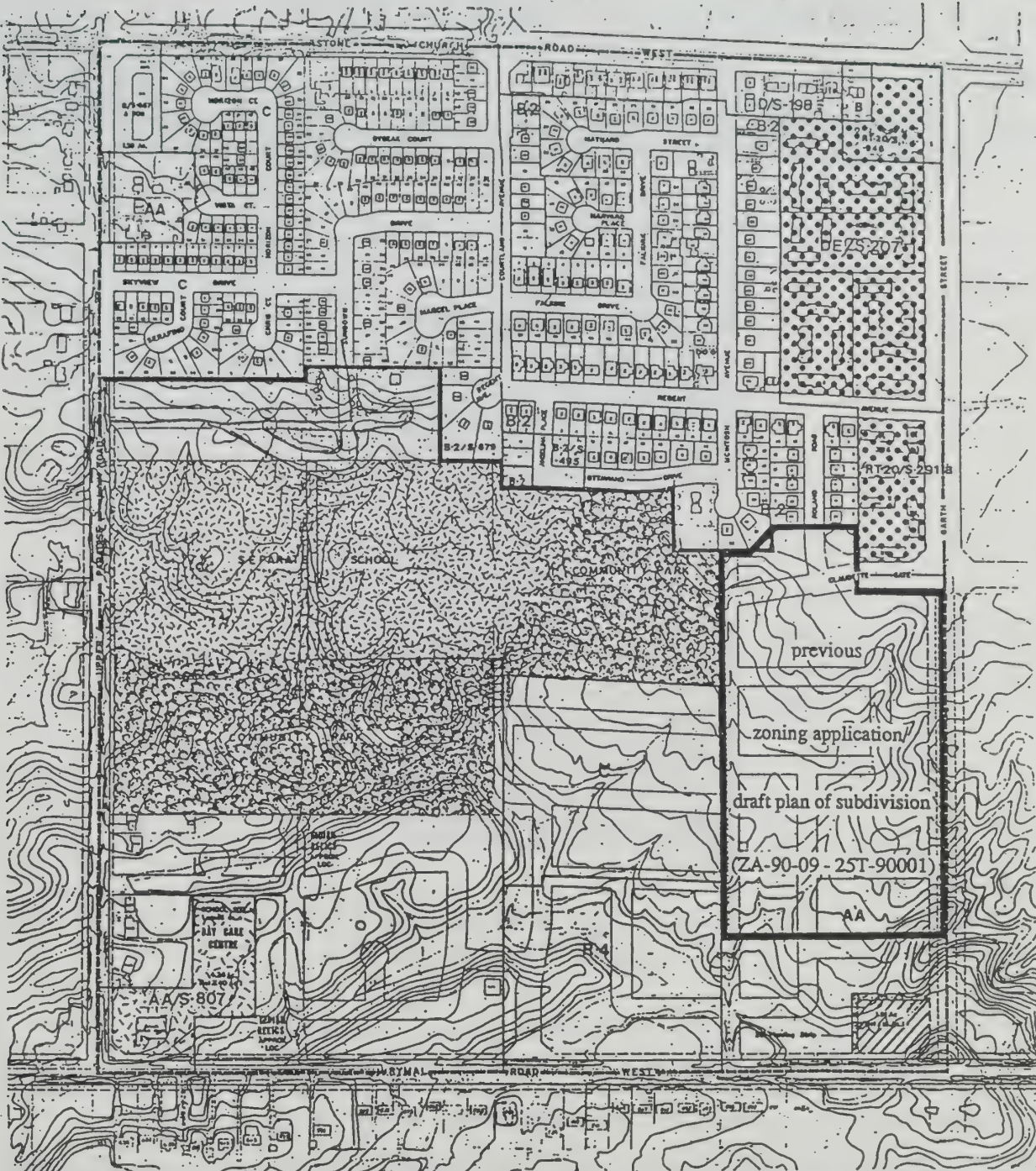
10

SUBJECT LANDS
ZAC-93-45



| LOT/BLOCK | AREA |
|-----------|--------------------|
| LOT 1 | 300m ² |
| LOT 2 | 300m ² |
| LOT 3 | 300m ² |
| LOT 4 | 300m ² |
| LOT 5 | 336m ² |
| LOT 6 | 300m ² |
| LOT 7 | 300m ² |
| LOT 8 | 300m ² |
| LOT 9 | 307m ² |
| LOT 10 | 318m ² |
| LOT 11 | 442m ² |
| BLOCK 12 | 630m ² |
| BLOCK 13 | 68.5m ² |
| BLOCK 14 | 77.9m ² |

| | | | |
|---------------|--|--|--|
| REVISIONS | | DATE | |
| BENCHMARK: | | CLAUDETTE GATE AT NORTH-WEST CORNER OF GARTH STREET AND CLAUDETTE GATE. PLAQUE ON EAST FACE, 0.15m NORTH OF SOUTH-EAST CORNER, 0.4m BELOW BRICKS. ELEVATION - 238.237m (761.681 ft.) No. 21-05 | |
| DIRECTOR | | URBEX ENGINEERING Limited | |
| PROPOSED LOTS | | CLAUDETTE GARDENS (Future) HAMILTON, ONTARIO | |
| DATE | | D.E.C. 1993 | |
| PROJECT NO. | | 1 | |
| SHEET NO. | | OF | |
| PREPARED BY | | DRAWING NUMBER | |
| CHECKED BY | | DATE | |



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

LAND USE

RESIDENTIAL

- single & double attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

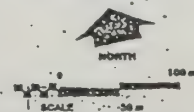
EXISTING POPULATION (1985) 1124

Neighbourhood Boundary
Zoning Boundary

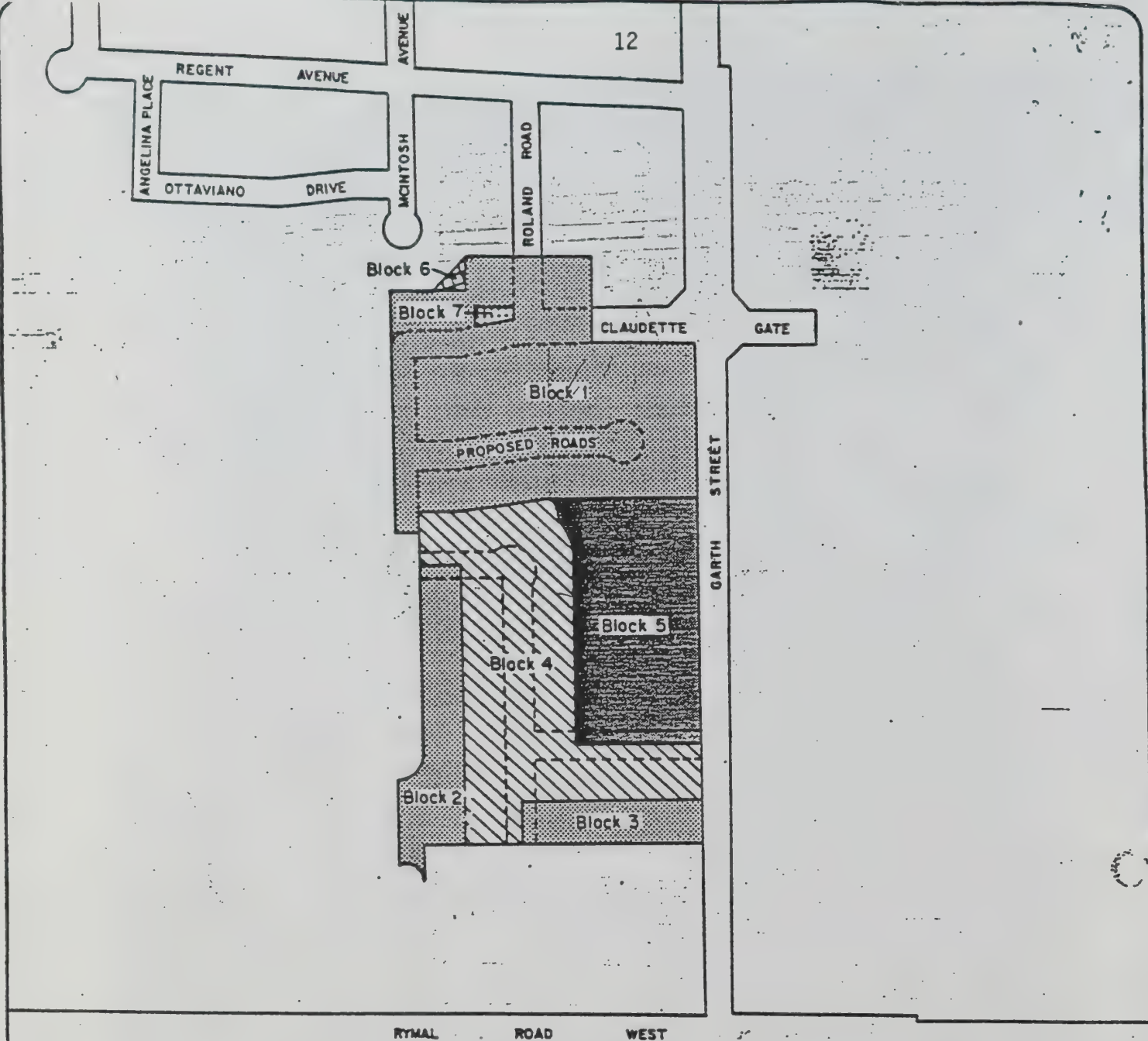
Approval
Planning Committee FEB. 27, 1985 Council MARCH 12, 1985
Latest Revision Date MAY 2, 1983

CITY OF HAMILTON
PLANNING DEPARTMENT

FALKIRK EAST
APPROVED PLAN



44



NOTE: All dimensions are in metres

City of Hamilton

Key Map

to By-Law No. 90-311...

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

| | |
|-----------------|--|
| Blocks 1, 2 & 3 | Change in zoning from "AA" (Agricultural) District to "C"-H" (Urban Protected Residential, etc.-Holding) District. |
| Block 4 | Change in zoning from "AA" (Agricultural) District to "R-4"-H" (Small Lot Single-Family Detached-Holding) District. |
| Block 5 | Change in zoning from "AA" (Agricultural) District to "RT-20"-H" (Townhouse-Maisonette-Holding) District. |
| Block 6 | Change in zoning from "B-2" (Suburban Residential) District to "C"-H" (Urban Protected Residential, etc.-Holding) District. |
| Block 7 | Change in zoning from "AA" (Agricultural) District to "C"-H" (Urban Protected Residential, etc.-Holding) District, modified. |

| | | |
|-------|------------------------|--------------------------------|
| North | Scale NOT TO SCALE | Reference File No. ZA 90-09 |
| | Date NOVEMBER, 1990 | Drawn By L.B. |

Dominic Agostino

Alderman Ward 5 - Regional Councillor

2

City of
HAMILTON

Health & Social Services
Committee
-Chairman

Hamilton Farmer's Market
Subcommittee
-Chairman

Visible Minorities
Representation
Subcommittee
-Chairman

Day Care Task Force
-Chairman

School Child Nutrition
Task Force
-Chairman

Roomers & Boarders
Task Force
-Chairman

Employee Suggestion
Subcommittee
-Chairman

Hamilton Parking Authority
Committee
Vice-Chairman

Parks & Recreation
Committee

Economic Development
Committee

Airport Management
Board

CFL Hall of Fame
Committee

Status of Women
Subcommittee

Regional Audit
Committee

Hamilton Civic Hospitals
Board

Art Gallery of Hamilton
Board

Pre-Hospital Quality
of Care
Committee

1994 February 2

Ms. T. Agnello, Secretary,
Planning & Development


Dear Ms. Agnello:

Please find enclosed a copy of a letter regarding Mr. & Mrs. Rizzo, 123
Market Street.

I would appreciate this being placed on the next agenda for the Planning and
Development Committee meeting. If further information is required, this can
be obtained from Mr. B. Allick, Building Department.

Thank you for your kind attention to this matter.

Your Alderman,



**DOMINIC AGOSTINO, ALDERMAN,
WARD 5**

DA:tb

c.c. Mr. B. Allick, Building Department
V. Agro, Alderman, Ward 2
Ms. A. Almonte, 104 National Drive, Hamilton, Ontario, L8G 5B3





City of
HAMILTON

BUILDING DEPARTMENT

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4652 / Fax (905) 546-2764

Attention of: Brian D. Allick

1994 January 25

Alderman D. Agostino
Alderman, Ward 5
Aldermen's Office
City of Hamilton

Dear Alderman Agostino:

Re: 123 MARKET STREET

In response to your request for information regarding Mr. and Mrs. Rizzo's involvement with this Department, please be advised as follows:

There is no provision or authorities for staff to waive fees when work is carried out pursuant to the authorities contained in By-Law 84-35.

As indicated in my letter of January 5th, 1994, these costs are added to the tax rolls and are in fact collected in a like manner as taxes.

If you are desirous of having this certificate removed, I can only suggest that the matter be brought up by yourself to the Planning and Development Committee for their consideration and subsequent direction.

This would appear the only resolution to your concerns.

Trusting this information is of some assistance to you.

Yours very truly,

Brian D. Allick
Manager of Field Services

BDA/sb

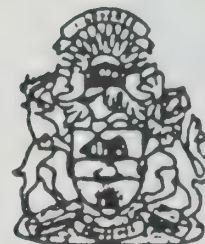
c.c. Alderman V. Agro, Alderman, Ward 2



Dominic Agostino

Alderman — Ward 5
Regional Councillor

City Hall, 71 Main Street West
Hamilton, Ontario L8N 3T4
Tel. 546-2730 • Res. 574-0179
Fax 546-2095



1994 January 18

Mr. B. Allick,
Building Department

| | |
|-------------------------|------|
| CITY OF HAMILTON | |
| DEPARTMENT OF BUILDINGS | |
| JAN 20 1994 | |
| REC'D BY <i>MA</i> | DATE |
| REF'D TO <i>MA</i> | DATE |
| INT'D TO | DATE |
| REC'D TO | DATE |

Dear Brian:

Further to your memo of January 5, regarding 123 Market Street, I have been in contact with Ms. Angie Almonte, daughter of Mr. & Mrs. Rizzo, 123 Market Street. The Rizzo's are an elderly couple who are both ill and unable to do any work of a physical nature. Most of the work around the house is done by their grown children.

As you can see within a week of the Order to Comply part of the work was done however, due to time limitations they were going to come back to do the side yard. However, another Order was issued to have the grass cut. This couple cannot afford to pay the \$209.28 bill and believe certainly by part of the work being done they very clearly showed intent.

I would appreciate it if you would consider waiving this fee or, let me know the process we could go through to have this done.

Yours sincerely,

Dominic Agostino
DOMINIC AGOSTINO, ALDERMAN,
WARD 5

DA:tb

c.c. V. Agro, Alderman,
Ward 2



City of
HAMILTON

BUILDING DEPARTMENT

71 Main Street West, Hamilton, Ontario L8N 3T4
Telephone (905) 546-3732 / Fax (905) 546-2754

FILE:

ATTENTION OF: D. Inglis

TELEPHONE NO: (905) 546-4631

January 5, 1994

JAN 18 1994

Alderman D. Agostino
Aldermen's Office
City Hall

Dear Alderman Agostino:

Re: 123 Market Street, HAMILTON.

In response to your request for information concerning the City's action on the above-noted property received via Doug Lobo of the Public Works Department, please be advised as follows.

On September 7, 1993, the Building Department received a complaint about long grass and weeds at 123 Market Street. An inspection was completed on September 8, 1993 and the Inspector found the grass on the front lawn to be up to twelve inches (12") high, two to three feet (2' - 3') high in the east yard and three to four feet (3' - 4') high in the rear yard. Therefore an Order to Comply was issued to the owner of the property pursuant to By-Law 84-35 which requires grass to be kept cut and neat. The Order was issued on the site and a copy was posted on the front door of the dwelling. The Order required seven (7) days for compliance and stated that if the work was not completed within the required time that the grass and weeds would be cut and the costs placed on the taxes.

A re-inspection of the property was completed on September 16, 1993 and it was found that the front yard had been cut but no action was completed on the side yard or the rear yard.

Due to non-compliance with the Order, a request was sent to the Property Department on September 21, 1993 to have the City's contractor cut the long grass and weeds.

The grass and weeds were subsequently cut by the City's contractor and charges were forwarded to the Building Department for the work.

On October 13, 1993, this Department forwarded costs of \$204.18 to the Treasury Department for attachment to the taxes for this work.

A copy of the Order to Comply along with the Affidavit of Service is attached for your convenience.

Trusting the above information will be of assistance to you.

Yours very truly

Brian D. Allick
Manager of Field Services

DJA/sib
Encl. (2)

c.c.: Doug Duncan
Department of Public Works



22



Dominic Agostino

Alderman — Ward 5
Regional Councillor

City Hall, 71 Main Street West
Hamilton, Ontario L8N 3T4
Tel. 546-2730 • Res. 574-0179
Fax 546-2095



1993 December 22

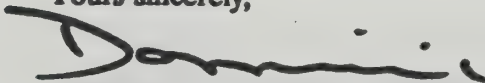
Mr. D. Lobo, Director,
Public Works

Dear Doug:

I have received a call from Ms. A. Almonte, 104 National Drive, who is calling on behalf of her parents who reside at 123 Market Street. They are an elderly couple who received a notice in their tax bill with an additional charge of \$209.28 in regards to some grass cutting which the City did on their property.

I would appreciate receiving the background material and a copy of the notice they have been issued so I may follow this up for them.

Yours sincerely,


DOMINIC AGOSTINO, ALDERMAN,
WARD 5

DA:tb

c.c. Mr. & Mrs. Rizzo
123 Market
Hamilton, Ontario
L8R 1N7

| | | |
|---------------------|---------------|---------------|
| FILE No. 93-1032-05 | | |
| DEPT. PUBLIC WORKS | | |
| DEC 28 1993 | | |
| | INFO APPLY | DEPT REC'D |
| MA | | |
| WSS | | |
| MP | | |
| ALCM | | |
| MFD | | |
| CCAS | | |
| ORHC | | |
| PWE | | |
| SAMS | | |
| NOCT | | |
| PDC | | |
| EST | | |
| ESS | | |

[Handwritten signature/initials over the bottom right of the table]

123 Market St - Dist. 1
02-01230-6360

cc: Dist 3
cc: M. Barberick

THE CHARGE IS NOT FROM PUBLIC WORKS CHECKED 91-92-93
HAVE SENT COPY TO JOHN SPOLNIK BUILDING DEPT FOR THEM
TO CHECK IF THEY GAVE OUT AN ORDER TO COMPLY AND RESPOND TO

3

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1993 November 30
(OP-HW5Y)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

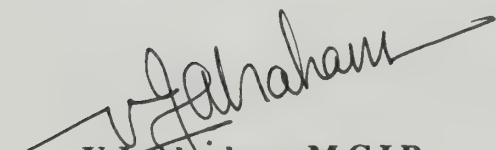
FROM: Mr. V. J. Abraham
Director of Local Planning

SUBJECT: City of Hamilton Response - Towards a Sustainable Region
- Draft Hamilton-Wentworth Official Plan (September 1993)

RECEIVED
DEC 02 1993
CITY CLERKS

RECOMMENDATIONS:

- 1) That the City of Hamilton endorse the policies contained in Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan (September 1993) with the exception of the following actions:
 - a) That the "Environmentally Significant Area" designated for the Harbourfront Park, Pier 4 Park and EastPort (titled Hamilton Harbour ESA) be re-evaluated;
 - b) That Policy C.1.4.3 requiring site plan agreements for properties fronting on the lakeshore be revised to eliminate the necessity to undertake site plans for single and two-family dwellings;
- 2) That the City Clerk inform the Regional Clerk of the City's decision and a copy of this report is forwarded.


V.J. Abraham, M.C.I.P.,
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Purpose of the New Regional Official Plan

The Planning Act requires municipalities to review their Official Plans once every five years. The Hamilton-Wentworth Official Plan was prepared in the late 1970's and adopted by Regional Council in 1980.

Since the 1970's, there have been significant changes: in the way communities are planned; the increasing pressure for development, particularly outside the urban areas; the growing importance of the environmental issues, etc. As a result, the Regional Planning Branch, in consultation with Area municipalities, other Departments and agencies, has prepared a draft Official Plan for the Hamilton-Wentworth Region titled Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan. The Local Planning Branch has been involved from the outset of the Review and have requested changes to the policies on a few occasions. These changes have been made and any concerns or negative impacts on the City have been alleviated.

The basis for the Plan is founded in the concept of developing and maintaining a "Sustainable Region". Sustainable development is *"positive change that meets the needs of the present without comprising the ability of future generations to meet their own needs"*. In 1993, Regional Council approved *VISION 2020* which is a compilation of policies, directions and strategies for government, residents, businesses and community groups to take into consideration as they plan for a sustainable future. The Regional OP is seen as the principle implementation tool for *VISION 2020*.

The Plan is broken down into four main components with subcomponents, as follows:

- INTRODUCTION;
- QUALITY OF LIFE (responsive government; environment; shelter; economic opportunities; social well being; education; culture; historical resources; greenspace-leisure activities; and public safety);
- LAND USE STRATEGY (resource protection; resource utilization; regional development pattern and infrastructure); and,
- IMPLEMENTATION

The Regional Planning and Development Department has prepared a comprehensive, easy to read document which sets the stage for planning in the 1990's and beyond.

RESULTS OF CIRCULARIZATION:

The draft Regional Official Plan was circulated to various municipal Departments for their comments.

- The following Departments have no comments or objections:

- Property Department;
- Municipal Non-Profit Housing Corporation;
- Building Department;
- Culture and Recreation Department;
- Traffic Department;
- Parking Authority; and,
- Law Department.

- The Fire Department has advised that:

"I am pleased to note that my responsibilities as the Regional Fire Co-ordinator and the issue of location of fire facilities have been suitably addressed in Part B - Section 11..."

- Due to the scheduling of Board meetings, the Library Board is unable to have a formal response to the Plan by December 8, 1993; however, they will submit a formal response to the Regional Planning Department at the end of December.

ANALYSIS

- General Principles

The Regional Official Plan is proactive in that it supports many of the concepts the City of Hamilton has been pursuing over the last few years. In particular, the Plan includes policies supporting:

- the implementation of the Hamilton Harbour Remedial Action Plan;
- the provision of a range of housing types;
- housing intensification;
- adaptive re-use of non-residential uses/buildings to residential;
- firm urban boundaries;
- compact urban forms and promoting mixed use corridors (i.e. Barton Street Upper James Street, etc.);
- limited commercial uses in the Industrial-Business parks to those uses which serve the industrial and business operations and employees so the Parks will not compete with existing commercial areas (i.e Upper James Street, downtown);
- the Regional Centre (downtown) as an important employment area in the region;
- the use of public transit; and,

- the development of integrated bicycle paths

Many of the directives contained in the Plan are already implemented through the City's Official Plan, Neighbourhood Plans and Zoning By-law.

- Environmentally Significant Areas

The Naturalists Club identified the Environmentally Significant Areas (ESA) in the Region based on flora, fauna, hydrology, geology, etc. The data was collected starting in 1991.

A large number of the ESA's correspond to ESA's that are currently identified in the Hamilton Official Plan.

However, there are new ones that have been added (i.e Red Hill Creek, north of the former landfill site, Lax property, portion of the East Mountain Industrial-Business Park, Hamilton beach Shoreline). Generally, the new additions do not pose a problem; however, three areas need further attention:

1) Harbourfront Park and Pier 4 Park

There has been considerable land use changes taken place in these areas. In 1992, the Region constructed the Strachan Street underground detention tank with a parking lot above. In 1992 and 1993, the City built Pier 4 Park and Harbourfront Park which are active urban parks.

It appears as if the environmentally significant area is the shoreline which has a fish habitat. The inclusion of this area as an ESA may limit future development.

Based on the recent changes in this area, it is suggested the ESA areas be re-evaluated.

2) Hamilton-Harbour - EastPort (Piers 25 to 27)

Over a period of years, development has taken place in the EastPort area.

Based on Map 4, EastPort has been designated as an ESA because of the nesting habitats for waterbirds and waterfowl.

It should be noted that if development takes place on these lands an impact study would have to be completed and it may restrict further development.

- Site Plan Agreements for Development Fronting on the Lakeshore

Policy C.1.4.3 requires municipalities to undertake site plan agreements for development fronting on the lakeshore to ensure appropriate setbacks for flooding, erosion, etc. By-law 79-275 that establishes Site Plan Control exempts single and two-family dwellings. In this regard, the Policy should be reworded to eliminate the necessity for such agreements on those residential types.

IMPACT ON THE CITY OF HAMILTON'S OFFICIAL PLAN

Both the Planning Act and Policy D.5 of the draft Regional Official Plan requires an area municipality to bring its Plan into conformity with the upper tier plan. The Planning Act also requires a municipality to review their Official Plan once every five years. To date, the City has not conducted a Five Year Review since it was considered premature pending the completion of the Regional Official Plan Review. However, housekeeping amendments have been completed on an on-going basis including the major amendment (OPA #80) that was recently approved.

The format and content of the draft Regional Official Plan is considerably different than the existing Official Plan. The Plan has become more directive rather than regulatory. In addition, the Regional Official Plan will be considered as the prime implementation tool in achieving the goals and fulfilling the strategies put forward in *VISION 2020*. In addition, the OP has added new sections (i.e. subwatershed planning, public safety, greenspace-leisure activities, etc.) dealing with issues that were not contemplated in the late 1970's, and early 1980's.

Based on the above, the City's Official Plan would have to be modified to include new concepts and policies, and to delete out of date policies. The Planning and Development Department has also identified areas of the City's Official Plan that require updating. They include industrial and commercial land use, environmental issues (wetlands, environmentally significant lands, etc.).

At the present time, the Department is reviewing the industrial policies of the Official Plan. The first phase of the study is to prepare a background report detailing the economic changes that have occurred in Hamilton and Ontario with particular attention being paid to manufacturing; employment trends; business development activity and review the industrial areas within the City. The background report will also include a review of the City's and other municipal OP policies, as well as Provincial initiatives, on industrial land use planning. The second phase of the study will involve policy formulation.

Over the next few years, changes to the Official Plan are required to keep the City's Plan up to date and responsive to the planning goals and objectives of the 1990's and beyond.

CONCLUSIONS:

Based on the foregoing,

- 1) That the City of Hamilton endorse the policies contained in Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan (September 1993) with the exception of the following actions:
 - a) That the "Environmentally Significant Area" designated for the Harbourfront Park, Pier 4 Park and EastPort (titled Hamilton Harbour ESA) be re-evaluated;
 - b) That Policy C.1.4.3 requiring site plan agreements for properties fronting on the lakeshore be revised to eliminate the necessity to undertake site plans for single and two-family dwellings;
- 2) That the City Clerk inform the Regional Clerk of the City's decision and a copy of this report is forwarded.

JHE

4

FEB 07 1994

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 February 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: D. W. Vyce
Director of Property

SUBJECT: Sale of Lands (3.23 acres) and Roadway
Alpha West (Sherman Avenue North and Burlington Street East)
to Philip Enterprises Inc.

RECOMMENDATION:

That the Property Department commence negotiations with Philip Enterprises Inc. to sell the assembled lands in Alpha West (3.23 acres on the west side of Sherman Avenue North, south of Burlington Street East) which includes the roads being closed.


D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Upon completion of the necessary documentation and conclusion of the sale to Philip Enterprises Inc., the proceeds will be credited to Account No. CF-4402-308750001 (Land Sales - Enclave Clearance Program).

BACKGROUND:

Now that the lands in Alpha West are assembled and cleared, we are in a position to commence the sale of this site which includes certain roads to be closed.

Philip Enterprises Inc. has expressed an interest in the City's lands for the construction of a 40,000 square foot industrial building which is a twin of their existing structure located on Sherman Avenue North. The construction of this building would take place in 1996. The second phase of their proposed construction project calls for a 35,000 square foot, 5 storey office building to be located on Burlington Street East and this is slated for construction in 1997. Mr. Philip Fracassi will be available for questions and the presentation of an artist rendering if required.

The City's policy on the sale of surplus lands is to offer them to the abutting owners first, then if no interest is developed, we would put the lands up for sale either by Public Tender or list the sites under the Multiple Listing Service of the Metropolitan Hamilton Real Estate Board. We have retained the services of an independent appraisal firm to establish a market value.

As Philip Enterprises Inc. is the abutting owner in this case, we feel it is appropriate to sell the lands to this firm and therefore we are recommending that negotiations commence immediately to complete the necessary documentation.

MCJW/nw
Attach.

c.c. Robert M. Morrow, Mayor, Mayor's Office

Alderman Bernie Morelli, Alderman, Ward 3, Aldermen's Office

Joe Pavelka, Chief Administrative Officer,

P. Noé Johnson, City Solicitor, Law Department
Attention: J. Lessing

Allan C. Ross, Treasurer, Treasury Department

BURLINGTON STREET EAST

N

BLOCK A

B.6.

K

421
419
417

413

409

407

405

403

404

402

388

386

384

B.6.

RT.W.

H-7

RT.W.

BLOCK B

BIRCH AVENUE

GERRARD ST.

ST.

399

397

393

391

2 4 6 8
PARKING AREA

237

BLOCK C

BLOCK D

215

213

217

BRANT ST.

ST.

SHERMAN AVENUE NORTH

5

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 January 17

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Gartshore-Thomson Building - Designation

RECOMMENDATION:

- a) That approval be given to the "Intent to Designate" the Gartshore-Thomson Building at Pier 4 Park as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, attached hereto and marked as Appendix "A"; and
- b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

C. Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The former office building of the Gartshore-Thomson Pipe & Foundry Co. has been acquired by the City and relocated to Pier 4 Park and has been restored and renovated by the Parks Division for use as a multi-purpose parks facility.

The Parks Division has requested that the property be designated.

Attached

cc Victor Abraham, Director of Local Planning
Nina Chapple, Planning Department
Bob Chrystian, Public Works Department
Patrice Noe Johnson, City Solicitor

Architecture

This modest brick structure is representative of a building type associated with late 19th century industry -- the small, separate office building modelled on a house form -- and is one of few surviving examples of its type in Hamilton. The residential scale and character of the Gartshore-Thomson building derives from its prototype: the one-storey hip-roofed Ontario cottage; while the detailing is predominantly Classical Revival (e.g. the simulated corner quoins, pedimented gable, bracketed eaves underscored by a continuous dentil course, and the carved keystone and egg-and-dart pilaster mouldings). The tall, round-arched doorway features a semi-circular brick and stone arch sprung from brick pilasters, a solid panelled wood door with sidelights and a segmental transom; above is a distinctive arched wood panel carved with a maple leaf pattern. The new set of wide curved stairs rising from the pedestrian walkway to a generous landing in front of the main entrance complements the symmetry and detailing of the facade.

The original character of the interior has been well preserved in the central space and adjacent offices on the west side of the building. The central room displays a decorative beamed wood ceiling, with panels of diagonal tongue-and-groove boards, moulded beams and cove, and a dentil course below the frieze.

Designated Features

Important to the preservation of the Gartshore-Thomson building are

- the original features of all four facades, including the brick masonry, brick arches, stone lintels, decorative wood and stone elements, panelled wood doors and large single-pane sash windows, but excluding the new doorway on the east facade and the painted steel roofing;
- and the original interior features of the central room and two offices, including the doorways (with moulded wood frames, panelled and glazed wood doors, and transom lights), wood wainscoting and beamed ceiling, as well as all original window mouldings.

REASONS FOR DESIGNATION

Gartshore-Thomson Building

Pier 4 Park, Hamilton

Context

Donated to the City by the Fracassi family and moved to its present location in 1992, the Gartshore-Thomson building is now a focal point of the new Pier 4 Park at the foot of Bay Street North, just west of the Royal Hamilton Yacht Club. This one-storey late Victorian brick building presently serves as a multi-purpose waterfront park facility. Occupying a prominent hillside site, it commands a panoramic view of Hamilton Harbour; and fitting comfortably into its new park setting, the Gartshore-Thomson building also relates well to the 19th century residential streetscape above to the south, dominated by the 1869 Sail Loft.

Built around the turn-of-the-century as offices for the Gartshore-Thomson Pipe and Foundry Co. Ltd., the building originally stood at the south-west corner of the company property, diagonally facing the intersection of Stuart and Caroline Street.

History

In the early part of this century, the Gartshore-Thomson Pipe and Foundry Co. was not only one of Hamilton's leading industries; it was also the largest pipe manufacturer in the country, recognized nationwide for its high-quality cast-iron water and gas pipes. Established in 1870 by Alexander Gartshore (whose father established the Gartshore Foundry in Dundas, which manufactured the machinery for the 1860 Pumphouse) and Thomas Cowie as the *Canada Iron Foundry and Pipe Works*, the firm first manufactured cast-iron pipes and general iron castings. Incorporated in 1896 as the *Gartshore-Thomson Pipe and Foundry Company Ltd.*, the firm was by then specializing in the manufacture of pipe for water mains and gas distribution, and was soon supplying the country's major waterworks systems with water mains and other castings. In 1933, it was claimed to be the only manufacturer of "Sand-Spun" cast-iron pipe, a technically superior pipe formed centrifugally in sand-lined moulds.

Bought out in the 1940s by *Canada Iron Foundries Ltd.* (later *Canron Ltd.*) and operated as a foundry until the mid-1980s, the property was last owned by *Philip Environmental Inc.*, which used the small corner building as an engineering office.

6

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 February 16

CONSENT AGENDA

A. ADOPTION OF MINUTES

Minutes of the Planning and Development Committee Meeting held 1994 February 2

B. BUILDING COMMISSIONER

(a) Commercial Loan Programme - 1041 King Street West

(b) City of Hamilton Heritage Programme

(i) 256-258 MacNab Street North

(ii) 172-176 Locke Street South

(iii) 122 MacNab Street South

(iv) 260 MacNab Street North

(v) 221 Ferguson Avenue South

(vi) Dundurn Castle, York Boulevard

(vii) 74 George Street

(viii) Whitehern, 41 Jackson Street West

(ix) 188 Markland Street

(x) 235 Bowman Street

C. DIRECTOR OF PUBLIC WORKS

Downtown Hamilton Business Improvement Area - Proposed Budget and Schedule of Payments for 1994

The Planning and Development Committee met.

A

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Alderman Wm. McCulloch
Alderman M. Kiss
Alderman D. Wilson
Alderman B. Charters
Alderman F. D'Amico

Regrets: Mayor R. Morrow
Alderman H. Merling

Also present: Alderman V. Agro
Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Bill Janssen, Planning Department
Joanne Hickey-Evans, Planning Department
Eugene Chajka, Roads Department
Roland Karl, Traffic Department
Peter Lampman, Building Department
Art Zuidema, Law Department
Tina Agnello, Secretary

1. Referral Back from Council

Zoning Application 93-35, DiCenzo Construction Company Limited for Property Located at Lands West of Upper Gage Avenue and North of Terni Boulevard.

Mr. DiCenzo was present in support of his application. He stated that he was told that Beaverton Drive Neighbourhood Group misunderstood the application, and now that the application has been clarified to them, they are in favour of it. As recommended by the Commissioner of Planning and Development in a report dated 1990 January 10, the Committee recommended to Council as follows:

That approval be given to Zoning Application 93-35, DiCenzo Construction Company Limited, owner, requesting changes in zoning from: "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District, modified (Blocks "1" and "4"); "RT-20" (Townhouse -Maisonette) District, modified to "R-4" (Small Lot Single-Family Detached) District (Block "2"); and, "RT-20" (Townhouse - Maisonette) District, modified to "RT-30" (Street Townhouse) District, modified (Block "3"), to permit development of Blocks "1", "3" and "4" for street townhouses, for lands located west of Upper Gage Avenue and north of Terni Boulevard, shown as Blocks "1", "2", "3" and "4" on the attached map marked as Appendix "A", on the following basis:

- (a) That Blocks "1" and "4" be rezoned from "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District;
- (b) That Block "2" be rezoned from "RT-20" (Townhouse - Maisonette) District, modified to "R-4" (Small Lot Single-Family Detached) District;

- (c) That Block "3" be rezoned from "RT-20" (Townhouse - Maisonette) District, modified to "RT-30" (Street Townhouse) District;
- (d) That the "RT-30" (Street Townhouse) District regulations as contained in Section 10F of Zoning By-law No. 6593, applicable to Blocks "1", "3" and "4" be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 10F(6)(i) and (ii), each single-family dwelling unit shall have a lot area not less than 168.0 m² and a width of not less than 5.62 m;
 - (ii) That not more than 58 single-family dwelling units shall be permitted;
 - (iii) That Section 2.(2)A.(viid)(b) shall not apply to those street townhouses fronting onto Upper Gage Avenue; and,
 - (iv) That only two (2) mutual driveway accesses shall be permitted onto Upper Gage Avenue;
- (e) That the amending By-law be added to Section 19B of Zoning By-law No 6593 as Schedule S-1325, and that the subject lands on Zoning District Map E-38E be notated S-1325;
- (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38E for presentation to City Council;
- (g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (h) That the Broughton West Neighbourhood Plan be amended to redesignate "Block "1" from "Single & Double" to "Attached Housing", Block "2" from "Attached Housing" to "proposed road", part of Block "4" from "Single & Double" to "proposed road" and part of Block "4" from "Single & Double" to "Attached Housing".

B. Subdivision Application

- (a) That approval be given to application 25T-93010, "Sandrina Gardens - Phase 2", DiCenzo Construction Company Limited (A. DiCenzo, President), owner, to establish a draft plan of subdivision, on lands located west of Upper Gage Avenue and north of Terni Boulevard in the Broughton West Neighbourhood, subject to the following conditions:
 - (i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke, O.L.S., dated September 27, 1993, showing 58 lots for street townhouses, 14 lots for small lot single family dwellings, and 4 blocks for 0.3m wide reserves.
 - (ii) That the owner be required to enter into subdivision agreements with both the City of Hamilton and the Region of

Hamilton-Wentworth prior to the development of any portion of these lands.

- (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (iv) That the final plan conform with the Zoning By-law approved under the Planning Act.
- (v) That such easements as may be provided for utility or drainage purposes be granted to the appropriate authority.
- (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan.
- (vii) The City be provided with a one foot reserve along the entire Upper Gage frontage.
- (viii) The Subdivision Agreement permit a maximum of two shared access points from Upper Gage to the proposed lane servicing Lots 1 to 24.
- (ix) The subdivider to include in the Subdivision Agreement a warning to 3rd party purchasers and subsequent owners that ownership of Lots 1 to 24 will be subject to:
 - (a) a private Maintenance Agreement among the owners of Lots 1 to 24;
 - (b) mutual easements over their frontage for the access lane;
 - (c) restricted access, in that the only access to Upper Gage will be via the private access lane; and
 - (d) a covenant requiring the maintenance of that portion of the private access lane included in each street townhouse lot.
- (x) In addition to the Subdivision Agreement with the City, DiCenzo Construction Company Limited be required to enter into an agreement with the City until all 24 of the Lots are sold -- for the maintenance of the private lane and indemnity to the City. The agreement shall also oblige DiCenzo Construction Company Limited to require that purchasers of Lots 1 to 24 sign a Maintenance Agreement as a condition of sale to the purchase and that such a requirement be included in all Agreements of Purchase and Sale concerning Lots 1 to 24.
- (xi) That the City has no responsibility and assumes no responsibility for the private access lane between Lots 1 to 24 and Upper Gage.

- (xii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (xiii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.
 - (xiv) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-93010), DiCenzo Construction Company Limited (A. DiCenzo, President), owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- C. That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

2. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) **Zoning Application 93-17, Latco (1986) Developments Limited, owner, for a further modification to the "E" District regulations for lands located at No. 85 Robinson Street; Durand Neighbourhood (previously tabled)**

Submissions were received since the meeting of 1993 December from the following:

- (i) Al Fletcher, Fothergill Planning, 135 James Street South, Suite 1015, Hamilton
- (ii) Helene Fallen, President, Durand Neighbourhood Association Inc., Hamilton
- (iii) George G. Mills, 316 James Street South, Hamilton
- (iv) Dr. Stuart Martin, 66 Charlton Avenue West, Hamilton

Paul Mallard advised that subsequent to the meeting in December, staff has met with the applicants and some of the neighbourhood residents. Changes have been made to the application from 10 storeys to 9 storeys, from 198 units to 192 units, the daycare centre has been eliminated and converted to apartments and there has been an increase of 2 bedroom units. He stated that staff feels that the density from 2.8 to 2.54 is nominal. He also stated that to get down to the 1.86 density which is required, the building would be required to be reduced by four storeys.

Paul Mallard concluded by stating that the applicants feel that if the application before the Committee is denied then they will pursue the originally submitted application for a 10 storey building.

Mr. Turkstra and Ed Fothergill were present on behalf of the applicants. Mr. Turkstra stated that there have been discussions and that a four or five storey

building is not practically or economically feasible. He stated that before the previous recommendation went to Council there were extensive compromises. He distributed an aerial photograph of the location of the building and the surrounding areas and stated that many of the buildings in the surrounding areas are five storeys or more in height. He also advised that two cases have gone to the Ontario Municipal Board with regard to buildings in the surrounding area and have been approved at a high density. He stated that he does not believe that there is a great difference in the application with the removal of one storey now reduces the size of the units.

Marvin Sheppard was present. He stated that the neighbourhood residents were of the impression that there was no compromise reached and that the Committee would be dealing with a 10 storey building. He said that all the concerns of the neighbourhood group have been ignored with regard to traffic, increased danger, parking and congestion. He stated that the neighbourhood residents concur with the planners in that they would like a more intimate human scale project on this location which works out to approximately five storeys. He agreed that even though there are some high density buildings in the neighbourhood, that the neighbourhood cannot support any more.

Anton Gudinkas of 121 Robinson Street was also present. He stated that he lives one block west of the proposed building and is not a member of the Durand Neighbourhood Association. He submitted a 500 name petition and stated his concerns with regard to traffic and congestion. He believes that even though the Durand Neighbourhood is close to the City core it is not the City core and should not be treated as such. He concluded by stating that he does not want this project to become a high density ghetto and does not want the development mistakes of the 1960's repeated.

Mr. Turkstra stated that Marvin Sheppard's suggestion that 700 people can be accommodated in this building is not true. At most 528 can be accommodated. He also stated that a traffic study has been done and has concluded that there would be no significant traffic impacts from this project. He stated that the form of the building had already been approved and only the use is being somewhat changed, therefore a mistake is not being made. He also added that the existing multiple use structures in the neighbourhood are approximately 2.5 in density. He also stated that buildings like this should also be placed in the Durand Neighbourhood as well as the downtown core because it is not a mistake to place these residential units near hospitals, parks and amenities which would make living there comfortable. With regard to the ghetto statement, Mr. Turkstra concluded by stating that it inflames people and produces petitions with very little background.

Alderman Agro stated his strong opposition to the project. He stated that the Durand Neighbourhood Association and the Aldermen have had years of struggle to preserve the neighbourhood and will not allow a deterioration of the area which has buildings of historical and architectural value. He stated that the neighbourhood cannot afford more density.

Alderman McCulloch concurred and stated that because density is already high, there is no reason to increase it further. The developers are trying to get the best economic benefit from their property, but this is not what is best for the neighbourhood. He also stated that neighbourhood residents are not opposed to government subsidized housing but are concerned with the density and over-use of this property. He suggested that subsidized housing be placed in a neighbourhood where there are not so many people opposed to it.

Alderman Wilson concurred and added that the amendment which reduces the building from ten to nine storeys has made the project even higher density because the units are smaller.

Following discussion, the Committee approved the recommendation of the Commissioner of Planning and Development dated 1994 January 25 and recommended to Council as follows:

That amended Zoning Application ZAC-93-17, Latco (1986) Developments Limited, owner, requesting a further modification to the established "E" (Multiple Dwelling, Lodges, Clubs, etc.) District regulations to permit a 75 unit, 10 storey multiple dwelling (apartment building), fronting onto Robinson Street; and, a 123 unit, 10 storey, multiple dwelling (apartment building), fronting onto Charlton Avenue West, including a day nursery for up to 65 children, to be developed in conjunction with the retention of part of the Thistle Club, for property located at 85 Robinson Street, as shown on the attached map marked as Appendix "B", be denied for the following reasons:

- (a) it conflicts with the intent of the Official Plan in that the scale, density and bulk of the development would be incompatible with the established character of the surrounding area. In this regard, the proposal would have a gross floor area ratio of 2.8 x lot area (approximately 22,128.67m² or 238,198 square feet), whereas a ratio of 1.7 x lot area (approximately 13,381.32m² or 144,040 square feet) is permitted for conventional apartment development in the "E" District;
- (b) approval of the application would encourage other similar applications which, if approved, would create an undesirable extension of high density, high rise apartment development in this portion of Durand Neighbourhood; and,
- (c) there is no demonstrated need or justification for an increase in density from the existing "E" District provisions.

3. PUBLIC MEETING

- (a) **Zoning Application 93-41, buckingham York Ltd., owner for a modification to the established "E-3 District regulations, for lands located at Nos. 150-152 Catharine Street South; Corktown Neighbourhood.**

Roman Bartkiw was present and spoke on behalf of the applicants.

Alderman McCulloch was concerned with this property and the history of the property in terms of the owners trying to use it as a parking area when it was not a permitted use. He stated the City was required to put stones in place to prevent people from parking there and that her personally cannot support the present application.

Alderman Eisenberger was concerned that we are losing the housing stock to parking lot use but that the houses on the property are no longer habitable and therefore it is a difficult situation.

Mr. Bartkiw stated that the houses which are dilapidated have been run down by the occupants and it has been impossible for the owners to maintain them.

Following discussion, the Committee approved the recommendation of the Commissioner of Planning and Development dated 1994 January 25 and recommended to Council as follows:

That approval be given to amended Zoning Application 93-41, Buckingham York Ltd, owner, requesting a modification to the "E-3" (High Density Multiple Dwellings) District, to permit the use of lands for a temporary public parking lot not to exceed three years, for the properties located at Nos. 150-158 Catharine Street South, as shown on the attached map marked as Appendix "C", on the following basis:

- (i) That Section 12(b) of the Fifteenth Report for 1990 of the Planning and Development Committee to Council, applicable to 156-158 Catharine Street South be repealed in its entirety.
- (ii) That the "E-3" (High Density Multiple Dwellings) District regulations, as contained in Section 11C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

That notwithstanding Section 11C(1)(i) of By-law No. 6593 and in accordance with Section 39 of the Planning Act, R.S.O., 1990, a temporary public parking lot for the parking of motor vehicles in accordance with the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of By-law No. 6593, for a three year period from the date of the passing of the by-law, shall be permitted;

- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1327, and that the subject lands on Zoning District Map E-5 be notated S-1327;
 - iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;
 - v) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending by-law not be forwarded to Council until such time as the applicant has demolished the existing buildings at 150-152 Catharine Street South within ninety (90) days of the passage of this Council Resolution and in default thereof, this approval resolution shall cease and no longer be in force.
 - (c) That the Licensing Division be directed to hold in abeyance the issuance of a "Garage D" license for the proposed temporary public parking lot on the subject lands until there is confirmation that the applicant has applied for and received Site Plan Approval.

2. COMMISSIONER OF PLANNING AND DEVELOPMENT (continued)

- (b) **Regional Official Plan - City Comments: Towards a Sustainable Region (previously tabled)**

The Committee moved to table further this recommendation to the next meeting in order to allow Alderman Merling to be present and speak on the matter.

5. **NEW BUSINESS**

(a)

Paul Mallard requested permission to attend an Ontario Municipal Board hearing with regard to a Committee of Adjustment application.

Following a brief discussion the Committee recommended to Council as follows:

That the appropriate staff be authorized to attend an Ontario Municipal Board hearing for property at 876 Main Street East regarding a Committee of adjustment decision deny permission for the accessory building to be used as a property management and records office, and a storage facility.

(b) **Lot Grading Control - Mr. Harkness**

Alderman Wilson advised that since it is difficult for two people to come together for a meeting, he suggested that three people be appointed to the Lot Grading Committee in order that it may be easier to have a meeting.

The Committee resolved that in addition to Alderman Merling and Alderman Wilson, Alderman Charters be appointed to the Lot Grading Control Committee.

(c)

Discussion ensued with regard to bar hours being extended to 3:00 a.m. Following this discussion the Planning staff was directed to prepare a brief report on the possibility of allowing extended hours in the downtown core, but not in residential neighbourhoods.

5. **CONSENT AGENDA**

(a) **Adoption of the Minutes**

The minutes of the Planning and Development Committee meeting of 1994 January 19 were approved as circulated.

THE COMMITTEE RECOMMENDED TO COUNCIL VARIOUS RECOMMENDATIONS FROM REPORTS AS FOLLOWS:

(b) **Director of Public Works**

(i) **Westdale Village Business Improvement Area Revised Board of Management dated 1994 January 21**

That By-law No.92-074 appointing the Westdale Village B.I.A. Board of Management be amended to delete the following names:

| | |
|----------------|------------------------------------|
| Janet McDonald | Canadian Imperial Bank of Commerce |
| John Sonke | Westdale Hardware |
| Albert Snow | Albert Snow Hair Design Group |
| John Mouskos | New Village Restaurant |

- (ii) That in accordance with the provisions of subsections 6 and 8 of Section 220 of the Municipal Act, R.S.O. 1990, City Council appoint the following persons to hold office as a member of the Westdale Village Business Improvement Area:

| | |
|------------------|-----------------------------|
| Shiela Snider | The Picture Frame |
| Mary-Beth Ledden | Judy Marsales Real Estate |
| Kim Patterson | Westdale Jewellers |
| Bob Vukovic | Westdale Big 'V' |
| Karen Zizzo | The Children's Garden Gifts |
| Brian Coruzzi | Wally Z's Sports Deli |
| Jake Rozenweig | Chez Bon Bon |

- (iii) That the City Solicitor be authorized and directed to amend By-law No.92-074 pursuant to (a) and (b) above.
- (c) Westdale Village Business Improvement Area Proposed Budget and Schedule of Payments for 1994 dated 1994 January:
- (i) That the 1994 operating budget of the Westdale Village B.I.A., attached as Appendix "D", be approved in the amount of twenty-five thousand dollars (\$25,000.); and,
- (ii) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1994 budget as referenced in (a) above; and,
- (iii) That the following Schedule of Payments for 1994 be approved.

| | |
|--------------|-----------|
| March 01 | \$12,500. |
| September 01 | \$12,500. |

Note: 1993 Levy Arrears will be deducted from the two payments for 1994.

(c) **Building Commissioner**

Demolition Permits dated 1994 January 27

That the Building Commissioner be authorized to issue demolition permits for:

- (a) 1114 Upper James Street.
- (b) 1138 Upper James Street.

(d) **Commissioner of Planning and Development**

(a) Proposed Draft of Condominium "Amanda Heights" dated 1994 January 18

(a) That approval be given to application 25CDM-93007, Spallacci Construction (1986) Limited, owner, to establish a draft plan of condominium located on the south side of Limeridge Road East between Upper Wellington Street and Upper Wentworth Street, subject to the following conditions:

(i) That this approval apply to the plan prepared by John P. Nouwens, O.L.S. (Ashenhurst Nouwens Limited), dated June 16, 1993, showing a 20 unit condominium townhouse development; and,

(ii) That the owner satisfy all outstanding requirements under Site Plan Application DA-92-54 (excluding any requirements relating to the residential units) to the satisfaction of the city of Hamilton prior to registration of the Final Plan of Condominium;

(b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

(b) By-law No. 93-034 - Nos. 625 and 635 Concession Street Dated 1994 January 25

That the appropriate By-law, to repeal By-law No. 93-034 respecting lands located at 625 and 635 Concession Street, be enacted by Council, and that the City Clerk be directed to notify the Ontario Municipal Board.

7. **CONFIDENTIAL AGENDA**

The Committee moved in camera to discuss personnel matters and reconvened immediately with the following report:

That the confidential agenda be tabled to the next regular meeting of the Planning and Development Committee.

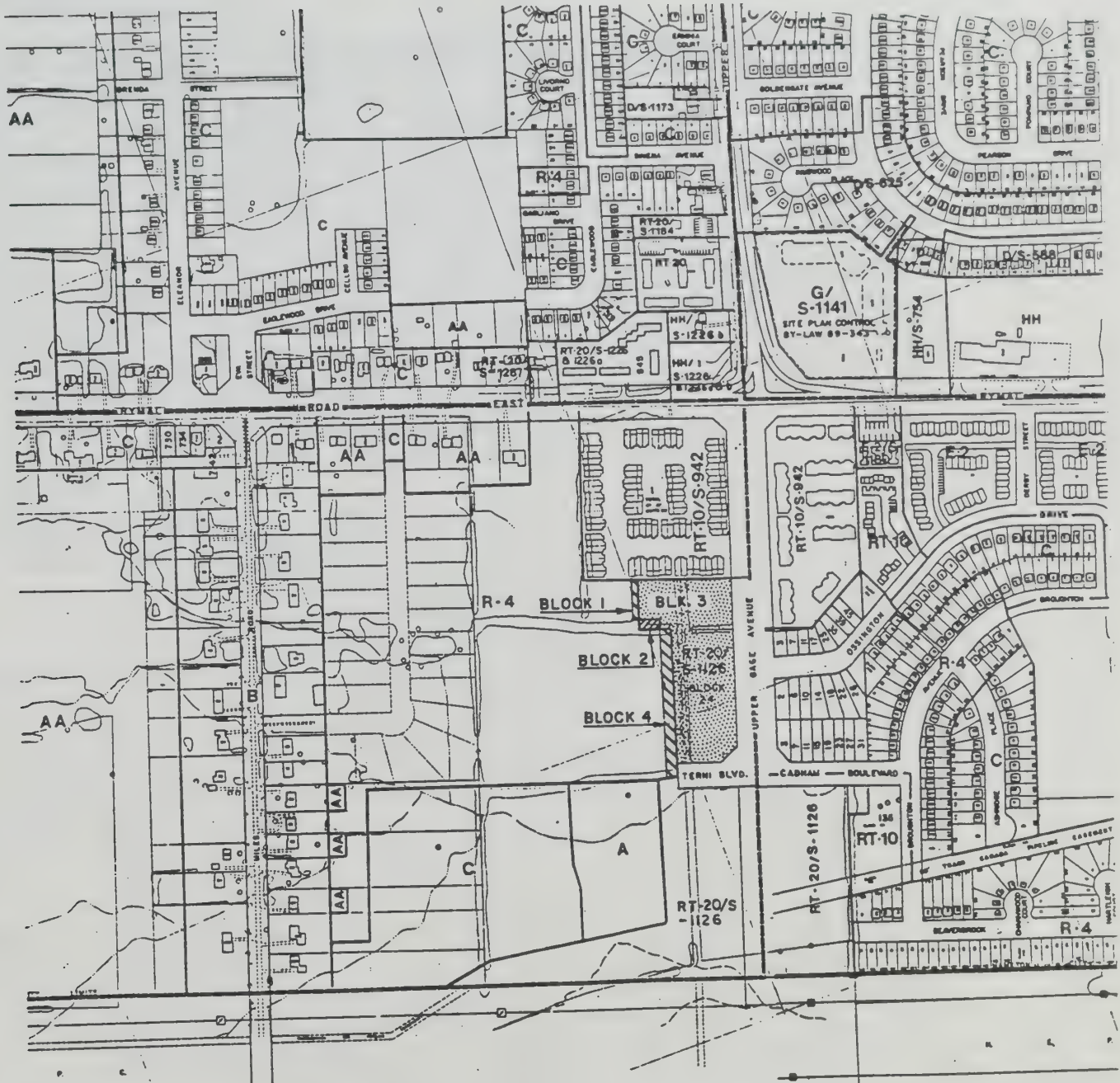
8. **ADJOURNMENT**

There being no further business, the Committee meeting adjourned.

Taken as read and approved.




Alderman D. Drury, Chairperson
Planning and Development Committee

Tina Agnello
Secretary



Legend

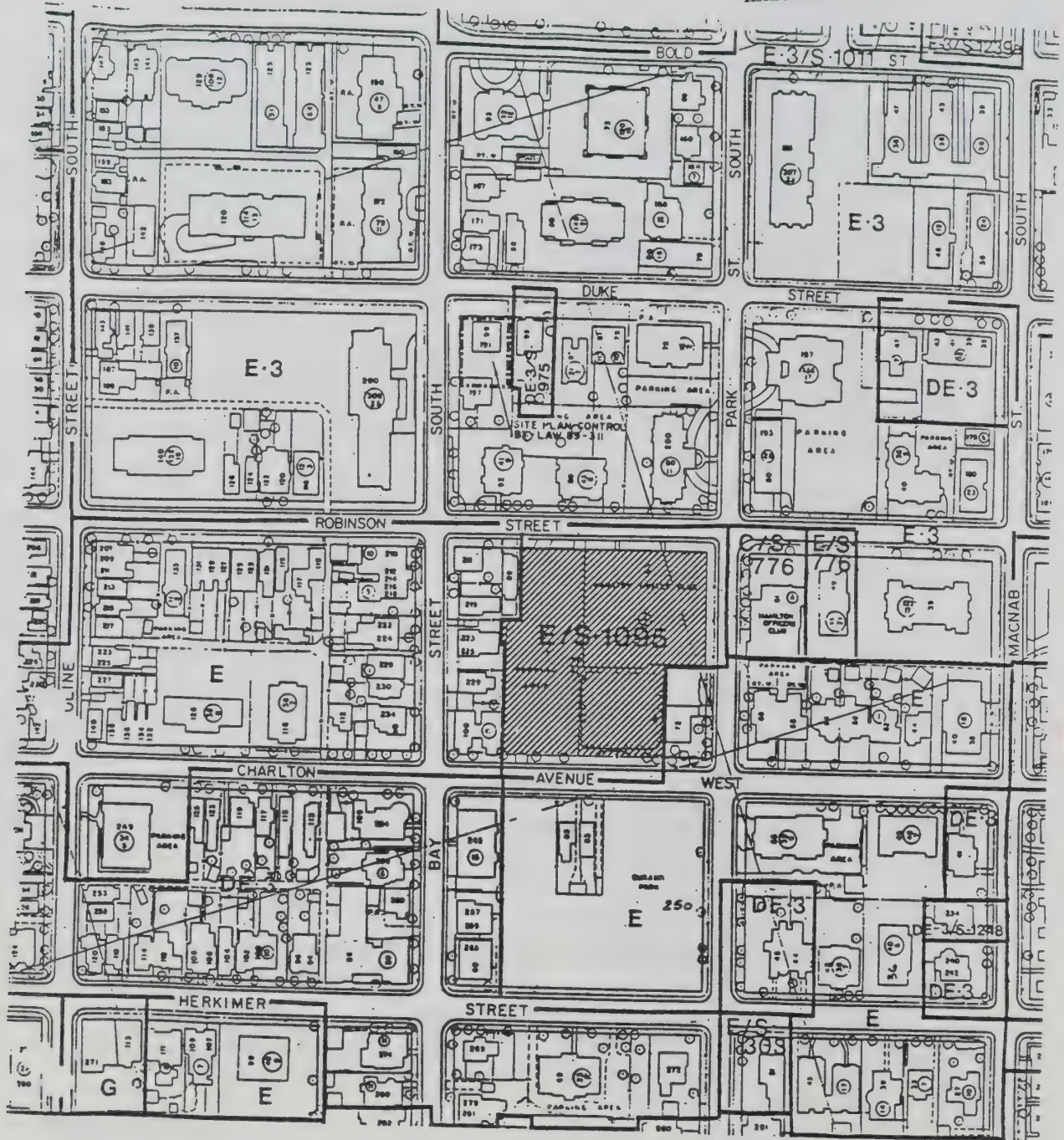
Proposed change in zoning from:

- | | | |
|----------------|---|---|
| BLOCKS 1 and 4 |  | "R-4" (Small Lot Single-Family Detached) District to "RT-30" (Street Townhouse) District, modified. |
| BLOCK 2 |  | "RT-20" (Townhouse - Maisonette) District, modified to "R-4" (Small Lot Single-Family Detached) District. |
| BLOCK 3 |  | "RT-20" (Townhouse - Maisonette) District, modified to "RT-30" (Street Townhouse) District, modified. |



APPENDIX A

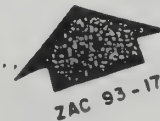
Appendix "B" as referred to
in Section 2 of the Planning
& Development Committee
minutes for 1994 Feb. 02



Legend



Site of the Application





Site of the Application



APPENDIX A

**WESTDALE VILLAGE B.I.A.
1994 Proposed Budget**

| | |
|-----------------------|------------|
| Levy on members | \$ 25,000. |
| Anticipated Shortfall | \$ 7,500. |

| | | |
|----------------------------|------------------|-------------------|
| Office & Internal expenses | \$ 2,500. | |
| Advertising | \$ 3,000. | |
| Sidewalk sale | \$ 2,000. | |
| Insurance | \$ 500. | |
| Hydro | \$ 500. | |
| Auditor | \$ 500. | |
| Beautification | \$ 2,000. | |
| Christmas Decorations | \$ 1,500. | |
| Walk of Hope | \$ 1,000. | |
| Festival | <u>\$ 4,000.</u> | |
| | \$17,500 | \$ 17,500. |

Motion at General meeting
Accepted S. Simpson
Seconded B. Basadur
Carried by acclamation

**CITY OF HAMILTON
- RECOMMENDATION -**

Ba

DATE: January 31, 1994

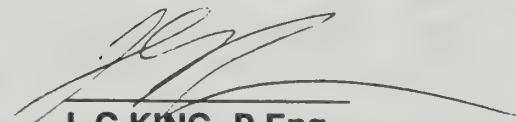
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: COMMERCIAL LOAN PROGRAMME
1041 KING STREET WEST (94.2.4.2.1.A)

RECOMMENDATION:

That a Commercial Loan in the amount of two thousand, nine hundred and fifty dollars (\$2,950) be approved for Mimma and Frank DiGiantomasso. The interest rate will be 2 3/4 per cent amortized over 10 years.



L.C.KING, P.Eng
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 1041 King Street West has applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Westdale Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to Mimma and Frank DiGiantomasso for improvements to 1041 King Street West in the amount of \$2,950. The loan will be amortized over a 10 year period at 2 3/4 per cent interest. The monthly payments will be \$28.15 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department
D. Powers, Legal Department

CITY OF HAMILTON
- RECOMMENDATION -

Bbi

DATE: February 8, 1994

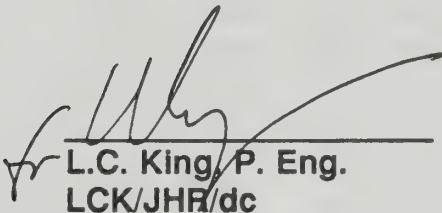
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
256-258 MACNAB STREET NORTH, HAMILTON (94.2.4.2.1.A)

RECOMMENDATION:

That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to H. Kirkpatrick and T. Baker, owners of 256-258 MacNab Street North, in the amount of one thousand, one hundred and fifty dollars (\$1,150) at 6.0 percent interest amortized over a ten year period.



L.C. King, P. Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Planning and Development Committee recommended approval for a Designated Property Grant for this project at their 1992 August meeting and the loan recommendation above was mistakenly omitted at that time. The principal has been advanced to the applicant and the loan payments are current and in good standing.

c.c. R. Camani, Treasury Department

CITY OF HAMILTON
- RECOMMENDATION -

Bbii

DATE: February 8, 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

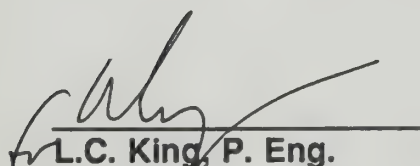
FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
172-176 LOCKE STREET SOUTH (94.2.4.2.1.A)

RECOMMENDATION:

That the Building Department, Loans Division, be directed to apply on behalf of the owner, Heinz Ollesch, to the Province of Ontario for a reduction in the amount of the Designated Property Grant previously approved for 1993 for 172-176 Locke Street South, Hamilton, to one thousand, six hundred and seven dollars (\$1,607.00).

That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Heinz Ollesch, owners of 172-176 Locke Street South, to the amount of three thousand, two hundred and twenty-one dollars (\$3,221.00) at 2 7/8 percent interest amortized over a ten year period.



L.C. King, P. Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted to them by 1993 August 31. The Province of Ontario then notifies the Municipality which applications will be funded for the balance of the fiscal year.

Most recently, the Province decided, having received the applications, to make a given amount of money available and to let the Municipality disburse it among the applicants. This final Provincial funding represented only 1/3 of what was requested, so LACAC, on the basis that all applications were of equal merit, offered that amount to each applicant; the grants of those who dropped out were reallocated proportionally to those who, as in this case, will still be proceeding.

c.c. R. Camani, Treasury Department

CITY OF HAMILTON
- RECOMMENDATION -

Bbiii

DATE: February 8, 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

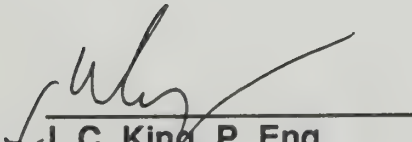
FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
122 MACNAB STREET SOUTH (94.2.4.2.1.A)

RECOMMENDATION:

That the Building Department, Loans Division, be directed to apply on behalf of the owners, 900150 Ontario Inc., and Ronald Weinberger, to the Province of Ontario for a Designated Property Grant for 1993 for 122 MacNab Street South, Hamilton, in the amount of two thousand and seven dollars (\$2,007.00).

That the Building Department, Loans Division, be directed to process a Community Heritage Trust Fund Loan to 900150 Ontario Inc., and Ronald Weinberger, owners of 122 MacNab Street South, in the amount of two thousand, two hundred and six dollars (\$2,206.00) at 2 7/8 percent interest amortized over a ten year period.



L.C. King, P. Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted to them by 1993 August 31. The Province of Ontario then notifies the Municipality which applications will be funded for the balance of the fiscal year.

Most recently, the Province decided, having received the applications, to make a given amount of money available and to let the Municipality disburse it among the applicants. This final Provincial funding represented only 1/3 of what was requested, so LACAC, on the basis that all applications were of equal merit, offered that amount to each applicant; the grants of those who dropped out were reallocated proportionally to those who, as in this case, will still be proceeding.

c.c. R. Camani, Treasury Department

Bbiv

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 8, 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

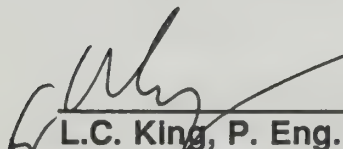
FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
260 MACNAB STREET NORTH, HAMILTON (94.2.4.2.1.A)

RECOMMENDATION:

That the Building Department, Loans Division, be directed to apply on behalf of the owners, Jane and Paul Rigby, to the Province of Ontario for a reduction in the amount of the Designated Property Grant previously approved for 1993 for 260 MacNab Street North, Hamilton, to two thousand and eighty-four dollars (\$2,084.00).

That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Jane and Paul Rigby, owners of 260 MacNab Street North, to the amount of four thousand and three hundred dollars (\$5,216.00) at 2 7/8 percent interest amortized over a ten year period.



L.C. King, P. Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted to them by 1993 August 31. The Province of Ontario then notifies the Municipality which applications will be funded for the balance of the fiscal year.

Most recently, the Province decided, having received the applications, to make a given amount of money available and to let the Municipality disburse it among the applicants. This final Provincial funding represented only 1/3 of what was requested, so LACAC, on the basis that all applications were of equal merit, offered that amount to each applicant; the grants of those who dropped out were reallocated proportionally to those who, as in this case, will still be proceeding.

c.c. R. Camani, Treasury Department

Bbv

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 8, 1994

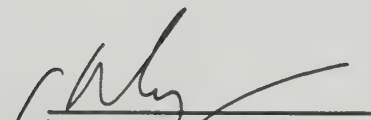
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
221 FERGUSON AVENUE SOUTH, (94.2.4.2.1.A)

RECOMMENDATION:

That the Building Department, Loans Division be directed to apply on behalf of the owner, Ilze Dreimanus, to the Province of Ontario for a reduction in the amount of the Designated Property Grant previously approved for 1993 for 221 Ferguson Avenue South, Hamilton, to five hundred and fifty-four dollars (\$554.00).


L.C. King, P.Eng.
LCK/JMR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted to them by 1993 August 31. The Province of Ontario then notifies the Municipality which applications will be funded for the balance of the fiscal year.

Most recently, the Province decided, having received the applications, to make a given amount of money available and to let the Municipality disburse it among the applicants. This final Provincial funding represented only 1/3 of what was requested, so LACAC, on the basis that all applications were of equal merit, offered that amount to each applicant, the grants of those who dropped out were reallocated proportionally to those who, as in this case, will still be proceeding.

c.c. R. Camani, Treasury Department

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 8, 1994

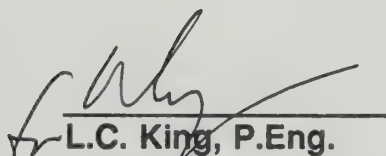
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
DUNDURN CASTLE, YORK BOULEVARD, (94.2.4.2.1.A)

RECOMMENDATION:

That the Building Department, Loans Division be directed to apply on behalf of the owner, the City of Hamilton, to the Province of Ontario for a reduction in the amount of the Designated Property Grant previously approved for 1993 for Dundurn Castle, York Boulevard, Hamilton, to two thousand and eighty-four dollars (\$2,084.00).



L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted to them by 1993 August 31. The Province of Ontario then notifies the Municipality which applications will be funded for the balance of the fiscal year.

Tina Agnello, Secretary
Planning and Development Committee

- 2 -

February 8, 1994

Most recently, the Province decided, having received the applications, to make a given amount of money available and to let the Municipality disburse it among the applicants. This final Provincial funding represented only 1/3 of what was requested, so LACAC, on the basis that all applications were of equal merit, offered that amount to each applicant, the grants of those who dropped out were reallocated proportionally to those who, as in this case, will still be proceeding.

c.c. R. Camani, Treasury Department

CITY OF HAMILTON
- RECOMMENDATION -

Bbvii

DATE: February 8, 1994

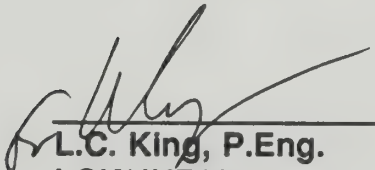
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
74 GEORGE STREET, (94.2.4.2.1.A)

RECOMMENDATION:

That the Building Department, Loans Division be directed to apply on behalf of the owners, Jane and Paul Rigby, to the Province of Ontario for a reduction in the amount of the Designated Property Grant previously approved for 1993 for 74 George Street, Hamilton, to four hundred and fifty-one dollars (\$451.00).


L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted to them by 1993 August 31. The Province of Ontario then notifies the Municipality which applications will be funded for the balance of the fiscal year.

Tina Agnello, Secretary
Planning and Development Committee

- 2 -

February 8, 1994

Most recently, the Province decided, having received the applications, to make a given amount of money available and to let the Municipality disburse it among the applicants. This final Provincial funding represented only 1/3 of what was requested, so LACAC, on the basis that all applications were of equal merit, offered that amount to each applicant, the grants of those who dropped out were reallocated proportionally to those who, as in this case, will still be proceeding.

c.c. R. Camani, Treasury Department

CITY OF HAMILTON
- RECOMMENDATION -

Bbvüü

DATE: February 8, 1994

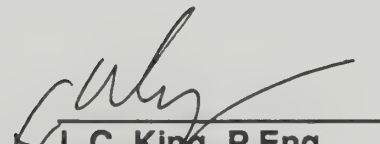
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
WHITEHERN , 41 JACKSON STREET WEST (94.2.4.2.1.A)

RECOMMENDATION:

That the Building Department, Loans Division be directed to apply on behalf of the owner, the City of Hamilton, to the Province of Ontario for a reduction in the amount of the Designated Property Grant previously approved for 1993 for 41 Jackson Street West, Hamilton, to two thousand and eighty-four dollars (\$2,084.00).


L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted to them by 1993 August 31. The Province of Ontario then notifies the Municipality which applications will be funded for the balance of the fiscal year.

Most recently, the Province decided, having received the applications, to make a given amount of money available and to let the Municipality disburse it among the applicants. This final Provincial funding represented only 1/3 of what was requested, so LACAC, on the basis that all applications were of equal merit, offered that amount to each applicant, the grants of those who dropped out were reallocated proportionally to those who, as in this case, will still be proceeding.

c.c. R. Camani, Treasury Department

CITY OF HAMILTON
- RECOMMENDATION -

Bbix

DATE: February 8, 1994

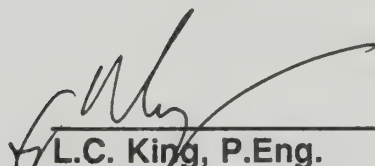
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
188 MARKLAND STREET, (94.2.4.2.1.A)

RECOMMENDATION:

That the Building Department, Loans Division be directed to apply on behalf of the owner, Zen Masniak, to the Province of Ontario for a reduction in the amount of the Designated Property Grant previously approved for 1993 for 188 Markland Street, Hamilton, to four hundred and seventy-two dollars (\$472.00).


L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted to them by 1993 August 31. The Province of Ontario then notifies the Municipality which applications will be funded for the balance of the fiscal year.

Most recently, the Province decided, having received the applications, to make a given amount of money available and to let the Municipality disburse it among the applicants. This final Provincial funding represented only 1/3 of what was requested, so LACAC, on the basis that all applications were of equal merit, offered that amount to each applicant, the grants of those who dropped out were reallocated proportionally to those who, as in this case, will still be proceeding.

c.c. R. Camani, Treasury Department

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 February 3

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

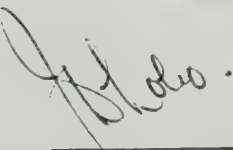
SUBJECT: Downtown Hamilton Business Improvement Area
(B.I.A.) Proposed Budget and Schedule of Payments
for 1994.

RECOMMENDATION:

- a) That the 1994 operating budget of the Downtown Hamilton B.I.A. (attached as Schedule 'A') be approved in the amount of ninety thousand dollars (\$90,000.); and,
- b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1994 budget as referenced in (a) above; and,
- c) That the following Schedule of Payments for 1994 be approved:

| | | | |
|-------------|----------|--------------|----------|
| January 01 | \$7,500. | July 01 | \$7,500. |
| February 01 | \$7,500. | August 01 | \$7,500. |
| March 01 | \$7,500. | September 01 | \$7,500. |
| April 01 | \$7,500. | October 01 | \$7,500. |
| May 01 | \$7,500. | November 01 | \$7,500. |
| June 01 | \$7,500. | December 01 | \$7,500. |

NOTE: 1993 Levy Arrears will be deducted from the payments for 1994.



Mr. D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of ninety thousand dollars (\$90,000.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this ninety thousand dollar (\$90,000.) operating budget.

BACKGROUND:

At its Annual General Meeting held 1993 November 30, the Downtown Hamilton B.I.A. adopted a budget of ninety thousand dollars (\$90,000.)

HM:hm

c.c. Mr. A. Ross, City Treasurer
Treasury Department
Att: Mr. T. Bradbury, Asst. Supervisor Business Tax

Attach.

DOWNTOWN HAMILTON B.I.A.

Budget Report 1994

| <u>SOURCES</u> | <u>BUDGET</u> | <u>ACTUAL 1994</u> |
|------------------------|------------------|--------------------|
| INCOME | | |
| B.I.A. Levy Assessment | \$ <u>90,000</u> | |
| | 90,000 | |
| EXPENSES | | |
| Board of Management | | |
| Fountain | 10,000 | |
| Strategic Plan | 3,750 | |
| Etele vs B.I.A. | | |
| Other | 1,000 | |
| Political Action | 500 | |
| Special Events | 13,650 | |
| Promotions | | |
| Coupon Book | 2,000 | |
| Meetings | 500 | |
| Other | 3,500 | |
| Beautification | | |
| Fees | 3,000 | |
| Misc. | 500 | |
| Other | | |
| Parking | | |
| Validation | 4,500 | |
| Advertising | 2,000 | |
| Other | | |
| Administration | | |
| Board Meetings | 2,400 | |
| Office Rent | 5,000 | |
| Newsletter | 1,200 | |
| Telephone | 500 | |
| Office Supplies | 300 | |
| Printing | 1,200 | |
| Office Expenses | 2,500 | |
| Advertising | 1,000 | |
| Fees | <u>31,000</u> | |
| TOTAL | 90,000 | |

CITY OF HAMILTON
- RECOMMENDATION -

Bbx

DATE: February 8, 1994

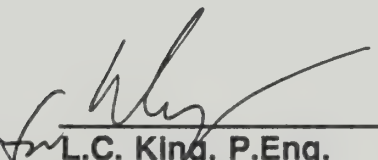
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: CITY OF HAMILTON HERITAGE PROGRAMME
235 BOWMAN STREET, (94.2.4.2.1.A)

RECOMMENDATION:

That the Building Department, Loans Division be directed to apply on behalf of the owner, the Hamilton Hebrew Academy, to the Province of Ontario for a reduction in the amount of the Designated Property Grant previously approved for 1993 for 235 Bowman Street, Hamilton, to two thousand, and eighty-four dollars (\$2,084.00).



L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted to them by 1993 August 31. The Province of Ontario then notifies the Municipality which applications will be funded for the balance of the fiscal year.

.../2

Tina Agnello, Secretary
Planning and Development Committee

- 2 -

February 8, 1994

Most recently, the Province decided, having received the applications, to make a given amount of money available and to let the Municipality disburse it among the applicants. This final Provincial funding represented only 1/3 of what was requested, so LACAC, on the basis that all applications were of equal merit, offered that amount to each applicant, the grants of those who dropped out were reallocated proportionally to those who, as in this case, will still be proceeding.

c.c. R. Camani, Treasury Department

86

**PRELIMINARY
PROGRAM**

REGION AND CITY

SAN

FRANCISCO

MERGED DESTINIES

**1994 APA
NATIONAL
PLANNING
CONFERENCE**

**APRIL 16-20
SAN FRANCISCO**

SAN FRANCISCO

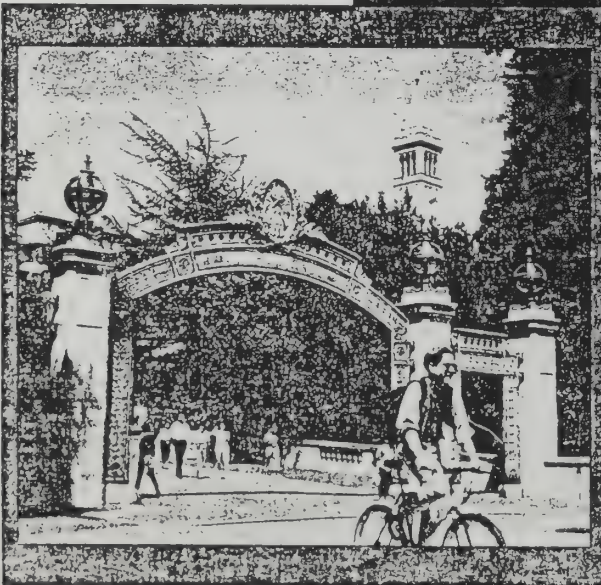
EVERYONE'S

FAVORITE

CITY

What images does San Francisco bring to your mind? Clinging to the side of a cable car cresting Russian Hill? Counting the colors on a "painted lady" Victorian house in Pacific Heights? Strolling from cafe to bookstore to coffeehouse in North Beach? A visit to the famous paintings of the deYoung Museum? Dining on seafood fresh from the fishing fleet? A Bay cruise from the Golden Gate to Treasure Island? A walk through the exotic markets of Chinatown? Following your nose to a chocolate shop at Ghirardelli Square?

There's a reason—lots of reasons, actually—why San Francisco is everyone's favorite city. The APA conference gives you a chance to remember your own reasons and add more to the list. April is one of the best months to visit San Francisco, and the APA conference is one of the best reasons. Make your plans to attend today.



Color photo ©1977 Barrie Rokeach. Other photos by Dennis McClendon, except as noted

N C I S C O

REGION AND CITY: MERGED DESTINIES

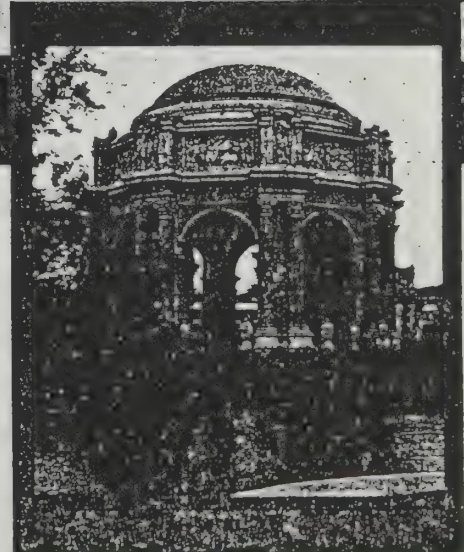
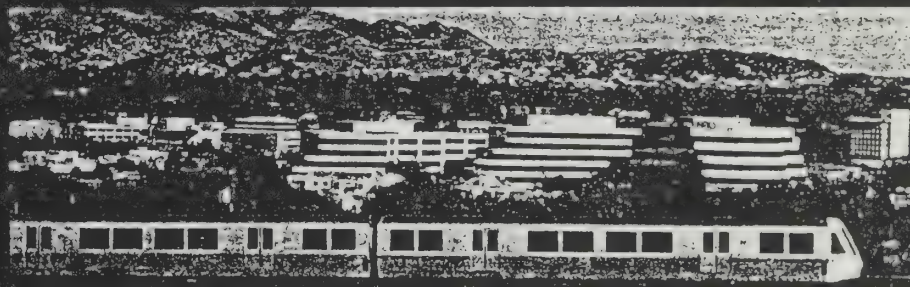
Our regions and our cities are intertwined. When one prospers, the other benefits. When one is disrupted, the other suffers. There is no denying this interdependence, and yet the forces of isolation, selfishness, and racism keep trying to pull us apart.

Nowhere are the problems and promise of region and city more evident than in the San Francisco Bay region, with its three major cities, 11 counties, technological prominence, projected growth, and spectacular beauty.

The APA conference is a splendid opportunity for planners to learn how better to shape our communities and improve the places where we live and work. The conference program looks at the issues

that shape communities—housing, transportation, land use, the environment—and how they shape the intertwined destinies of region and city. And mobile workshops—more than ever before—showcase the entire region, from the redwoods and coastal cliffs of Marin County to the sun-drenched Santa Clara Valley, from the historic districts of San Francisco to the edge cities of Contra Costa County, from revitalized neighborhoods in Oakland to the vineyards of the Napa and Sonoma valleys.

Join your colleagues in San Francisco in April for a rewarding experience. You will leave with a renewed purpose, enhanced knowledge and skills, and a sense of pride in your profession.



San Jose Convention & Visitors Bureau

INDEX TO EVENTS

APA/AICP

- APA/AICP Annual Meeting, 20
- Exam Review Course I, 21
- Exam Review Course II, 23
- Government Affairs Skills, 18
- National Planning Awards, 21

Citizen Participation

- Electronic Technology and Citizen Participation, 18
- How to Stop Citizen Attacks, 24
- Mission Bay (MW), 14
- Neighborhood Planning, 23
- The Public and Electrical Facility Siting I & II, 19
- Successful Public Meetings, 20
- Urban Creek Restoration (MW), 12
- Visioning Case Studies, 23

Comprehensive Planning

- A Day in the Life of Silicon Valley (MW), 11
- The Future of Central Cities, 21
- Planning for the 21st Century, 20
- San Francisco Waterfront Boat Tour (MW), 12
- Shaping Metropolitan Growth, 22
- Visioning and Planning in San Rafael (MW), 9
- Visioning Case Studies, 23

Computers

- Computer-Based Visualization Tools, 18
- Getting Into GIS, 22
- GIS by Increments in Silicon Valley (MW), 13
- An Information Policy for Planning, 21
- The Information Revolution, 24
- New Trends in Computer-Aided Visuals (MW), 12
- Planning at Berkeley (MW), 13
- Reinventing Planning's Decision Support System, 21

Disaster Planning

- Earthquake Recovery in San Francisco (MW), 13
- Earthquake Recovery in Santa Cruz/Watsonville (MW), 14
- Planning in Times of Disaster, 23

Economic

Development

- Biotech, High-Tech, and the Information Highway, 24
- Central City Stores and Supermarkets, 20
- Downtown Oakland Redevelopment (MW), 14
- East Bay Power Centers (MW), 12
- Economic Development in a Recession, 22
- Economy and Technology, 23
- Gaming and Historic Preservation, 23

Hamilton Air Force Base

- Conversion (MW), 9
- Negotiating with Big Box Retailers, 22
- The New National and Global Economy, 24
- The Presidio—From Post to Park (MW), 12
- Public-Private Economic Development Ventures, 23
- Regional Defense Conversion Strategies, 22
- San Jose's Downtown Renaissance (MW), 14
- Silicon Valley and IBM (MW), 13
- Silicon Valley High-Tech (MW), 14
- Urban and Regional Economic Development, 23
- What and Where Is Silicon Valley? (MW), 13
- When Gambling Comes to Town, 19
- Yerba Buena Center (MW), 10, 12, 14

Environment

- Agriculture in Marin County (MW), 12
- Balancing Growth, Transportation, and Clean Air, 18
- Balancing Habitat Conservation and Development (MW), 9
- Bay Area Ridge Trails (MW), 10
- The Bay Area Setting, 19
- The Challenge of Environmental Racism, 23
- Clean Water Program in San Francisco (MW), 11
- Clearing the City Air, 20
- Coastline Stroll (MW), 12, 14
- Ecosystems and Urban Systems, 20
- Environment and Sustainability, 20
- Environmental Inequities, 21
- Environmental Litigation Impact Fees, 20
- Environmental and Traditional Regulations, 19
- Fort Mason (MW), 11
- Global Sustainability, 18
- Golden Gate Park (MW), 10, 13
- Healing the Bay (MW), 9, 11
- Homestake Gold Mine (MW), 14
- Keller Canyon Landfill (MW), 14
- Living Near SFO (MW), 11
- Marin Headlands (MW), 11
- Marin Recycling Center (MW), 11
- Napa County (MW), 14
- Natural Gas Vehicles, 23
- North Bay Wetlands and Agriculture Preservation (MW), 9
- Oakland Urban Wildfire (MW), 10
- Pacific Coast Parks (MW), 10
- Peninsula Watershed and Open Space Management (MW), 12

The Presidio—From Post to

- Park (MW), 12, 13
- The Public and Electrical Facility Siting I & II, 19
- Public Waterfront Access (MW), 12
- Regional Open Space, 21
- Regulating Environmentally Sensitive Lands, 21
- Richmond Shoreline Planning (MW), 12
- Risk Assessment and Clean Up, 18
- San Francisco Bay Trail (MW), 9
- Saving Open Space (MW), 10
- Sonoma County Geysers (MW), 14
- Sustainability and Growth, 21
- Sustainable Communities, 19
- Urban Creek Restoration (MW), 12
- Water Reclamation in San Francisco (MW), 13
- Wetlands Protection, 19

Federal Planning

- Federal Planning in the Next Century, 19

Growth Management

- Growth Management in the Northwest, 18
- Growth Management: State and Local Initiatives, 22
- New Jersey's State Planning Process, 24
- Performance-Based Growth Management, 20
- Regional Growth Management Laws, 18
- Subdivision Regulations and Growth Management, 24

Historic Preservation

- Gaming and Historic Preservation, 23
- Historic Black Towns, 24
- Historic Preservation Planning, 20
- Negotiating with Big Box Retailers, 22
- Preserving Rural History and Culture, 24
- Sutro Historic District (MW), 13

Housing

- Affordable Housing in San Francisco (MW), 14
- Alameda Marina Village (MW), 12
- Habitat for Humanity (MW), 14
- Housing Dependent Populations, 23
- Housing Needs, 22
- Housing Nonprofits, 20
- Manufactured Homes for Low-Income Housing, 23
- Mission District Murals (MW), 11
- Yerba Buena Center (MW), 10, 12, 14

Information

Technology

- Computer-Based Visualization Tools, 18
- Getting Into GIS, 22
- GIS by Increments in Silicon Valley (MW), 13
- An Information Policy for Planning, 21
- The Information Revolution, 24
- New Trends in Computer-Aided Visuals (MW), 12
- Planning at Berkeley (MW), 13
- Reinventing Planning's Decision Support System, 21

Intergovernmental Relations

- Creative Interlocal Arrangements, 20
- Governance in American and Canadian Cities, 23
- Governing the Intermodal Metropolis, 22
- Intergovernmental Dispute Resolution, 21
- ISTEA & Local Government, 19
- Regional Approaches to Restructuring Government, 22
- Reinventing Regional Governance, 23
- Rural Regional Planning and Development, 20
- Urban and Regional Economic Development, 23

International Planning

- Planning Challenges in Africa, 18
- Planning in Australia, 24
- Planning in China, 24
- Rebuilding Beirut, 22

Law/Land-Use Controls

- Environmental and Traditional Regulations, 19
- The First Amendment and Zoning, 22
- Group Home Zoning, 20
- Industrial Performance Standards, 24
- Regional Growth Management Laws, 18
- Regulating Environmentally Sensitive Lands, 21
- Regulations and Compensation, 24
- Sign Regulation, 22
- Subdivision Regulations and Growth Management, 24
- Update on Takings, 19

Management

- Customer Service for Zoning Administrators, 24
- Elected Officials vs. Planners, 24
- Entry-Level Planners, 24
- Genderly Speaking, 18
- How to Break a Deadlock, 23

- How to Deal with Difficult People, 18
- How to Stop Citizen Attacks, 24
- Tips for the Female Planner, 20
- Using Focus Groups, 23
- Using TQM, 20
- **Neighborhoods**
 - Campus Planning in the City (MW), 11, 14
 - Castro District (MW), 10, 13, 14
 - Inner-City Neighborhood Revitalization (MW), 13, 14
 - Mission Bay (MW), 14
 - Working at Home (MW), 13
- **Planning Commissions**
 - The Commission at Work, 18
 - Improved Decision Making, 19
 - The Independent Planning Commission, 21
 - Land-Use Law, 20
 - Mock Hearing, 22
 - Planning Pursuit, 20
 - You Be the Judge, 22
- **Planning History**
 - Federal Housing Act of 1954, 24
 - How Planning and Zoning Came to America, 24
- **Private Practice**
 - Planning Firms and Cash Management, 18
 - Private Practice and the Economy, 18
 - RFPs and RFQs, 20
- **Professional Skills**
 - Customer Service for Zoning Administrators, 24
 - Elected Officials vs. Planners, 24
 - Entry-Level Planners, 24
 - Genderly Speaking, 18
 - How to Break a Deadlock, 23
 - How to Deal with Difficult People, 18
 - How to Stop Citizen Attacks, 24
 - Making Better Maps, 23
 - Tips for the Female Planner, 20
 - Using Focus Groups, 23
 - Using TQM, 20
- **Small Towns**
 - The Long Rural Commute, 19
 - Napa County (MW), 14
 - Planning in Rural Black America, 18
 - Preserving Rural History and Culture, 24
 - Rural Regional Planning and Development, 20
 - Sustainable Rural Communities, 22
- **Social Equity**
 - African-Americans in Local Planning, 21
 - Agenda for America's Communities, 22
 - BART and Bay Area Ethnic Communities (MW), 10
 - Delancey Street Foundation (MW), 14
 - Environmental Inequities, 21
 - Environmental Racism, 23
 - Feminism and Planning, 20
 - Gays and Lesbians in Urban Revitalization, 22
- Genderly Speaking, 18
- Historic Black Towns, 24
- Multiculturalism and the Planning Community, 24
- National Urban Policy, 21
- Planners and Education Policy, 19
- Planning in Rural Black America, 18
- Planning With Diverse Populations, 23
- Plenary Luncheon, 23
- Politics of Change, 20
- Society and Diversity, 22
- Teaching About Planning, 23
- Tips for the Female Planner, 20
- **Suburbs**
 - Edge and Satellite Cities, 24
 - Farms and Cities in Marin County (MW), 14
 - Retrofitting Suburbia (MW), 13
 - 680 Corridor Edge Cities (MW), 14
 - Sonoma County (MW), 14
- **Tourism**
 - Living with Tourists (MW), 9
 - Planning for Tourists, 20
 - Revitalizing Older Resorts, 19
- **Transportation**
 - Balancing Growth, Transportation, and Clean Air, 18
 - BART and Bay Area Ethnic Communities (MW), 10
 - BART Comes to San Mateo County (MW), 11
 - BART System Tour (MW), 13
 - City Street Classification, 24
 - Cypress Freeway Reconstruction (MW), 10
 - Downtown Transit Terminals (MW), 11
 - East Bay Traffic Management (MW), 14
 - East Bay Train Stations (MW), 11
 - Governing the Intermodal Metropolis, 22
 - Intermodal Freight (MW), 11
 - ISTE and Local Government, 19
 - Natural Gas Vehicles, 23
 - New Perception, 24
 - People Movers, 18
 - Transit-Responsive Urban Design, 20
 - Transportation and Land Use, 19
 - Transportation Planning, 22
- **Urban Design**
 - Downtown Open Spaces and Public Art (MW), 12
 - Downtown Renewal in Mountain View (MW), 11
 - Downtown San Francisco Architecture (MW), 10, 12, 13
 - Mission District Murals (MW), 11
 - Oakland Mixed-Use Projects (MW), 11
 - Rebirth of the Waterfront (MW), 14
 - Single-Family Zoning Design Review, 24
 - Tools for Guiding Urban Design, 23
 - Transit-Responsive Urban Design, 20
 - Urban Villages, 18

CONFERENCE AT A GLANCE

Registration

opens Saturday at noon, and then is open every day from 8:00 a.m. to 5:00 p.m. Registration closes Wednesday at noon.

Conference sessions

begin Sunday morning and continue through Wednesday at 5:00 p.m. See pages 18 to 24.

Exhibits

open at noon Saturday, and are open Sunday and Monday from 9:00 a.m. to 5:00 p.m. with displays of products and services of interest to planners, and exhibits by local planning agencies of their programs. The exhibit program ends Monday at 5:00 p.m.

Job Market

This job fair for APA members opens at noon Saturday and is open from 9:00 a.m. to 5:00 p.m. every day. Job Market closes Wednesday at noon. See page 6.

Orientation Tours

Enjoy a two-and-a-half-hour introduction to the sights of San Francisco, with an emphasis on planning. There are three departures Saturday afternoon and two Sunday morning. See page 10.

San Francisco Tours

General interest tours of San Francisco and local attractions will be conducted by a local tour operator throughout the conference. See pages 15 to 17.

Mobile Workshops

Visits to planning sites throughout the San Francisco Bay Area begin Sunday morning and continue through Wednesday afternoon. The list begins on page 9.

Nightlife

Two special evenings, four special events. Choose between a dinner cruise or an Alcatraz tour on Saturday, and two original dining experiences on Tuesday. See page 7.

Student / Planner Networking Breakfast

This new event is Sunday morning at 10:00. See page 6.

The Opening Reception

Start the conference off right by attending the opening reception on Sunday beginning at 6:00 p.m. The reception will be held at the Center for the Arts at Yerba Buena Gardens. Dress casually and warmly for this event in the beautiful outdoor gardens. See page 6.

Planning Commissioners Breakfast

Monday morning at 7:30. Preregistration is required. See page 6.

Community Planning Forum

Saturday. See page 6 for registration information.

Breakfast Round Tables

Get together for breakfast with others who share your interests, Tuesday morning from 7:30 to 9:00. See page 6.

Planners Day in School

takes place Tuesday morning. See page 6 for details.

REGISTRATION

- Register early. You'll save on your registration fee and increase your chances of getting the mobile workshops you want. This program contains all the forms you need to register for the conference.

Step 1: Fees

- Payment must accompany the form. Registration forms received without payment will not be processed.

| Postmarked or Faxed | By March 4 | After March 4 |
|--|---------------|------------------|
| Individual APA member | \$325 | \$375 |
| Planning official of PAS subscriber agency | \$325 | \$375 |
| Nonmember | \$425 | \$475 |
| Student member | \$50 | \$65 |
| Spouse | \$35 | \$50 |

- **Full member and nonmember registration** includes admission to conference sessions, including general sessions, exhibits, job market, committee meetings, Sunday opening reception, Tuesday plenary luncheon, and allows you to purchase tickets to mobile workshops, the orientation tour, and breakfast round tables. The member fee applies to individual APA members only. APA does not offer city or agency memberships. Staff of agencies that subscribe to APA's Planning Advisory Service must be individual members of APA to qualify for the member fee. Planning commissioners, elected officials, and board members of agencies that subscribe to PAS receive a discount off the nonmember fee.

- **Student registration** includes admission to conference sessions and the Sunday opening reception, and allows you to purchase tickets to mobile workshops, the orientation tour, breakfast round tables, and Tuesday plenary luncheon. You must be a member of APA and a full-time student. The student registration form must be

- verified by a department head at the school you attend.

- **Spouse registrations** must include the name of the full-paying registrant to qualify for the reduced spouse rate. The spouse registration includes a ticket to the Sunday opening reception, and allows you to purchase tickets to mobile workshops, the orientation tour, and breakfast round tables that are open only to registrants.

- Those residing outside the U.S. or Canada or who are APA Life or APA retired members may call Margot Morrison at APA, 312-955-9100, for information on special fees. Registrations may not be shared. Only one name badge, final program, and conference packet will be issued for each registration. Participation in the conference is limited to registered delegates.

Step 2: Additional Events

- Register early for optional events. Many events sell out well in advance. The earlier

- you register, the better your chances for tickets to workshops and events.

Step 3: Payment

- Registration fees may be paid by personal or agency check, purchase order (number must be provided), MasterCard or Visa. Payment must be included with the registration form. Registration forms received without payment will not be processed. Payment by Visa or MasterCard may be faxed to APA at 312-955-8312. Payment by check must be mailed to APA, Lock Box 94343, Chicago, IL 60678-4343.

Cancellation

- Registration cancellations must be received in writing. Telephone cancellations will not be accepted. There is a \$50 processing fee for cancellations (\$15 for student and spouse registrations). No refunds will be made for cancellations postmarked after April 1.
- Substitute registrations will be accepted by mail prior to April

- 1. After April 1, substitutes will be accepted on-site.
- No refunds or exchanges for tickets will be granted after April 1. There are no refunds for unused tickets.
- Cancelling your conference registration does not automatically cancel your hotel reservation. Call the hotel directly.
- Questions? If you have any questions about conference registration, phone Woodroe Claiborne at APA, 312-955-9100.

Scholarships

- Twenty-five scholarships will be available for APA members who would not be able to attend the conference without a subsidy. Scholarships will reduce the registration fee to \$50. To be eligible for a scholarship, you must be an APA member and earn less than \$25,000 a year. Scholarship recipients will be chosen by lot from all eligible applicants. Application forms can be obtained by calling Margot Morrison at APA, 312-955-9100. Applications must be submitted by February 15. Recipients will be notified by March 1.

Special Scholarships

- The Fannie Mae Foundation has awarded the APA Planning and the Black Community Division \$3,000 to assist members of minority groups to attend the conference. This is the third year the Fannie Mae Foundation has made funds available for this purpose. Planners of African-American, Native American, or Hispanic backgrounds may apply for up to \$350 in scholarship assistance. Applicants must write a request explaining their need for the funds and their involvement with and commitment to the planning profession. Requests should be forwarded to APA Conference Minority Scholarship, Mary Marcoux, APA, 1776 Massachusetts Ave., NW, Washington, DC 20036. The deadline for applications is February 15.

CONFERENCE DEADLINES

There's a lot happening at this year's APA conference. Here's a roundup of deadlines and dates to keep in mind:

February 15 APA and minority scholarship applications due. See description at right.

February 28 Last chance to register for the post-conference tour to Hawaii.

March 4 Register by this date to receive the early registration discount.

March 4 Last day to register to participate in Planners Day in School. See page 6.

March 14 Last day to make reservations or hotel changes. Make changes directly with the hotel.

March 21 Register for San Francisco tours by this date.

April 1 Last day for refunds or exchanges. After this date register on-site.

April 16 Conference opens.

CONFERENCE REGISTRATION FORM

1994 APA
NATIONAL
CONFERENCE
APRIL 16-20

Make check
payable to
and mail to:

**American Planning Association
Lock Box 94343
Chicago, IL 60678-4343**

Or fax (credit card payments and purchase orders only) to:
312-955-8312.

Remember to send your Housing Form and San Francisco Tour
Form to the addresses shown on those forms, not to APA.

STEP 1: REGISTRATION

Please type or print in black ink; complete a separate form for
each registrant. Payment must accompany the form; forms
received without payment will not be processed. If you are
paying by Visa or MasterCard, you may fax your registration
to 312-955-8312. Preregistration deadline is March 4, 1994.

YES NO

Your name for use on badge: last first AICP? Circle one

Title

Agency, company, or school

Mailing address

City State Zip

Daytime phone Fax number

☐ Please check here if you are a member of a planning
or zoning board or commission.

REGISTRATION FEES

| Postmarked or faxed . . . | By March 4 | After March 4 | Total |
|---------------------------|---------------|------------------|-------|
|---------------------------|---------------|------------------|-------|

| | | | |
|--|--------|--------|----------|
| <input type="checkbox"/> APA member | \$ 325 | \$ 375 | \$ _____ |
| <i>Includes opening reception and plenary luncheon</i> | | | |

| | | | |
|--|--------|--------|----------|
| <input type="checkbox"/> Planning official | \$ 325 | \$ 375 | \$ _____ |
| <i>of PAS subscriber agency</i> | | | |
| <i>Includes opening reception and plenary luncheon</i> | | | |

| | | | |
|--|--------|--------|----------|
| <input type="checkbox"/> Nonmember | \$ 425 | \$ 475 | \$ _____ |
| <i>Includes opening reception and plenary luncheon</i> | | | |

| | | | |
|--|-----------------|--------|----------|
| <input type="checkbox"/> I would like to join | \$ 325 | \$ 375 | \$ _____ |
| <i>APA now and pay the member</i> | | | |
| <i>registration fee. See the dues</i> | | | |
| <i>schedule on page 29.</i> | | | |
| | +national dues | | \$ _____ |
| | +chapter dues | | \$ _____ |
| | Subtotal | | \$ _____ |

| | | | |
|--|-------|-------|----------|
| <input type="checkbox"/> Spouse | \$ 35 | \$ 50 | \$ _____ |
| <i>Includes opening reception but not plenary luncheon.</i> | | | |
| <i>Give the name of your spouse who is paying the member</i> | | | |
| <i>or nonmember rate that qualifies you for the spouse rate:</i> | | | |

| | | | |
|--|-------|-------|----------|
| <input type="checkbox"/> Student member | \$ 50 | \$ 65 | \$ _____ |
| <i>Includes opening reception but not plenary luncheon</i> | | | |

| | | | |
|--|-----------------|-------|----------|
| <input type="checkbox"/> Student new member | \$ 50 | \$ 65 | \$ _____ |
| <i>I would like to join APA</i> | | | |
| <i>now and pay the student</i> | | | |
| <i>registration fee. See the</i> | | | |
| <i>chapter dues schedule</i> | | | |
| <i>on page 29. Verification</i> | | | |
| <i>required for new members.</i> | | | |
| | Subtotal | | \$ _____ |
| <i>Includes opening reception but not plenary luncheon</i> | | | |

STUDENT VERIFICATION (FOR NEW MEMBERS ONLY): I CERTIFY THAT

Name of student

is currently enrolled as a full-time student.

Signature of head of department or program School Date

STEP 2: ADDITIONAL EVENTS

| | | |
|--|-----------------------|----------|
| Plenary Luncheon | _____ tickets at \$30 | \$ _____ |
| <i>One ticket is included with the member and nonmember fee.</i> | | |
| <i>Students and spouses must purchase a ticket to attend.</i> | | |

| | | |
|---|-----------------------|----------|
| Opening Reception | _____ tickets at \$30 | \$ _____ |
| <i>One ticket is included in your registration.</i> | | |
| <i>Additional tickets must be purchased.</i> | | |

| | | |
|-------------------------------|-----------------------|----------|
| Scholarship Luncheon | _____ tickets at \$35 | \$ _____ |
| <i>See details on page 6.</i> | | |

| | | |
|-------------------------------|-----------------------|----------|
| Reception and Dance | _____ tickets at \$30 | \$ _____ |
| <i>See details on page 6.</i> | | |

| | | |
|-------------------------------|-----------------------|----------|
| Escape to Alcatraz | _____ tickets at \$40 | \$ _____ |
| <i>See details on page 7.</i> | | |

| | | |
|-------------------------------|-----------------------|----------|
| Bay Dinner Cruise | _____ tickets at \$60 | \$ _____ |
| <i>See details on page 7.</i> | | |

| | | |
|--|-----------------------|----------|
| North Beach & "Beach Blanket Babylon" | _____ tickets at \$39 | \$ _____ |
| <i>See details on page 7.</i> | | |

| | | |
|--|-----------------------|----------|
| Epicurean Dream and Exploration | _____ tickets at \$50 | \$ _____ |
| <i>See details on page 7.</i> | | |

| | | |
|---|-----------------------|----------|
| Student / Planner Networking Breakfast | _____ tickets at \$15 | \$ _____ |
| <i>See details on page 6.</i> | | |

| | | |
|---|-----------------------|----------|
| Planning Commissioners Breakfast | Breakfast ticket \$19 | \$ _____ |
| <i>See details on page 6.</i> | | |

| | | |
|-------------------------------|------------------------------|--|
| Breakfast Round Tables | Choose a topic (see page 6). | |
|-------------------------------|------------------------------|--|

A B C D E F G H I J K L M N O P Q R S T U

Breakfast ticket \$15 \$ _____

Mobile Workshops Choose workshops by number and fill in the total cost below. See pages 9 to 14 for details and descriptions. Only one ticket per workshop may be purchased.

| | | | | | | | | | | | |
|-----------|---|----|----|----|----|----|----|----|----|----|--|
| Sunday | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
| | 11 | 12 | 13 | 14 | 15 | 16 | 17 | | | | |
| Monday | 18 A Day in the Life of Silicon Valley rank both morning and afternoon choices | | | | | | | | | | |
| | Morning choices: 1st _____ 2nd _____ 3rd _____ | | | | | | | | | | |
| | Afternoon choices: 1st _____ 2nd _____ 3rd _____ | | | | | | | | | | |
| | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | |
| | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | |
| | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | | | |
| Tuesday | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | |
| | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | |
| | 67 | 68 | | | | | | | | | |
| Wednesday | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | |
| | 79 | 80 | 81 | 82 | 83 | | | | | | |

Mobile workshop total \$ _____

Orientation Tour Rank your preferences. See page 10. Only one ticket may be purchased.

- A Saturday, 2:00 p.m.
- B Saturday, 2:45 p.m.
- C Saturday, 3:30 p.m.
- D Sunday, 9:00 a.m.
- E Sunday, 12:00 noon

1st choice _____ 2nd choice _____ 3rd choice _____

Orientation tour ticket \$20 \$ _____

STEP 3: GRAND TOTAL

Total enclosed (U.S. funds only) \$ _____

☐ Personal check ☐ Agency check

☐ Purchase order no. _____

☐ MasterCard ☐ Visa

Signature _____

Expiration _____

Card number _____

No refunds after April 1, 1994.

See cancellation policy regarding refunds.

Call APA at 312-955-9100 should you have any questions.



Accessibility

APA strives to hold meetings that are accessible to all.

Please tell us what accommodations you require to help make your participation more enjoyable and meaningful.

Call Reenee Kaiser at 312-955-9100 for additional information.

OFFICE USE:

Date _____

CR _____

Am _____

NATIONAL DUES

Check the range at right that includes your salary plus other profession-related income. Records are confidential.

☐ Planning board members pay a membership fee of \$41

☐ U.S. students pay a membership fee of \$25

☐ You may pay flat national dues of \$121

☐ **Outside the U.S.:** members pay flat dues of US \$96; students \$30; planning board members \$50.

Salary Range

- ☐ less than \$20,000
- ☐ \$20,000-\$24,999
- ☐ \$25,000-\$28,999
- ☐ \$29,000-\$31,999
- ☐ \$32,000-\$34,999
- ☐ \$35,000-\$37,999
- ☐ \$38,000-\$41,999

Dues

- \$ 62
- \$ 68
- \$ 72
- \$ 77
- \$ 79
- \$ 84
- \$ 86

Salary Range

- ☐ \$42,000-\$44,999
- ☐ \$45,000-\$49,999
- ☐ \$50,000-\$54,999
- ☐ \$55,000-\$59,999
- ☐ \$60,000-\$64,999
- ☐ \$65,000-\$69,999
- ☐ \$70,000 and over

Dues

- \$ 88
- \$ 93
- \$ 97
- \$104
- \$110
- \$115
- \$121

CHAPTER DUES

Every APA member in the U.S. is automatically a member of a chapter. The amount shown must be added to your payment. Amount shown includes \$15 voted by the APA Board for chapter activities plus additional dues voted by chapter members.

Chapter dues are subject to change without notice.

1. Includes Washington, D.C., Montgomery Co., Md., and Prince George's Co., Md.

2. Includes Maine, New Hampshire, and Vermont.

3. Includes Idaho, Montana, North Dakota, South Dakota, and Wyoming.

| | Planning Board | | | Student |
|----------------|-------------------|--------|--------|---------|
| Chapter Member | Member | Member | Member | Member |
| Alabama | \$22 | \$ 9 | \$ 7 | |
| Alaska | 35 | 9 | 25 | |
| Arizona | 30 | 9 | 5 | |
| Arkansas | 25 | 9 | 15 | |
| California | 50 | 15 | 10 | |
| Colorado | 27 | 9 | 10 | |
| Connecticut | 28 | 9 | 12 | |
| Delaware | 15 | 9 | 5 | |
| Florida | one-half national | 9 | 5 | |
| Georgia | 25 | 9 | 10 | |
| Hawaii | 15 | 9 | 5 | |
| Illinois | 24 | 9 | 12 | |
| Indiana | 25 | 9 | 5 | |
| Iowa | 15 | 9 | 5 | |
| Kansas | 25 | 9 | 5 | |
| Kentucky | 25 | 9 | 15 | |
| Louisiana | 30 | 9 | 5 | |

| | Planning Board | | | Student |
|-------------------------------|----------------|--------|--------|---------|
| Chapter Member | Member | Member | Member | Member |
| Maryland | \$27 | \$ 9 | \$ 5 | |
| Massachusetts | 25 | 9 | 15 | |
| Michigan | 30 | 9 | 5 | |
| Minnesota | 30 | 9 | 5 | |
| Mississippi | 20 | 9 | 7 | |
| Missouri | 25 | 9 | 5 | |
| National Capital ¹ | 22 | 9 | 12 | |
| Nebraska | 30 | 9 | 20 | |
| Nevada | 25 | 9 | 15 | |
| New Jersey | 30 | 9 | 5 | |
| New Mexico | 25 | 9 | 10 | |
| New York Metro | 39 | 17 | 17 | |
| New York Upstate | 24 | 9 | 5 | |
| No. Carolina | 30 | 9 | 5 | |

| | Planning Board | | | Student |
|-----------------------------------|----------------|--------|--------|---------|
| Chapter Member | Member | Member | Member | Member |
| Northern New England ² | \$20 | \$ 9 | \$ 5 | |
| Ohio | 25 | 9 | 5 | |
| Oklahoma | 22 | 9 | 12 | |
| Oregon | 25 | 9 | 5 | |
| Pennsylvania | 40 | 9 | 15 | |
| Rhode Island | 25 | 9 | 15 | |
| South Carolina | 22 | 9 | 12 | |
| Tennessee | 25 | 12 | 7 | |
| Texas | 32 | 9 | 7 | |
| Utah | 27 | 9 | 5 | |
| Virginia | 25 | 15 | 15 | |
| Washington | 25 | 9 | 5 | |
| West Virginia | 15 | 9 | 5 | |
| Western Central ³ | 25 | 9 | 5 | |
| Wisconsin | 25 | 9 | 5 | |

HOUSING AND TRAVEL

Headquarters Hotel

APA's headquarters hotel is the San Francisco Marriott, located in Union Square in the heart of downtown San Francisco. All conference sessions, job market, plenary luncheon, registration, and boarding of buses for mobile workshops and tours will be located at the Marriott.

Alternative Hotels

APA has also secured rooms at five alternative hotels for those on a tighter budget. Alternative hotels are within a 10-minute walk of the Marriott, and are reserving a limited number of rooms for APA conference participants. Reservations for any hotel must be made by completing the form on page 31 and mailing it to the Housing Bureau by March 14. No matter which hotel you select, a deposit of \$125 is required. Reservations will not be accepted without a deposit. Purchase orders will not be accepted.

Services for the Disabled

Those with special access needs may call the concierge at your hotel for assistance in obtaining on-site medical equipment. Each hotel has a minimal amount of equipment available for guests.

Student Housing

For a list of budget housing in the San Francisco area, call Margot Morrison at APA, 312-955-9100.

Hotel Cancellations

Cancellation instructions will be included with your confirmation; after a certain date cancellations should be made directly with the hotel. All cancellations must be received by the hotel at least 72 hours prior to your scheduled arrival date for a refund. Failure to arrive on your reserved arrival date will result in a loss of deposit and automatic cancellation of the entire reservation.

Babysitting

APA will provide complimentary babysitting for the children of all registered participants. Complimentary babysitting services are available Saturday through Wednesday at the Marriott. Hours of service are:
Saturday: 12:00 noon to 12:00 midnight

Sunday, Monday, and Tuesday:
7:00 a.m.-11:00 p.m.

Wednesday:
7:00 a.m.-5:30 p.m.

If you wish to use the babysitting service, please call Margot Morrison at APA, 312-955-9100 so that we can arrange for adequate staff. She will need to know what days

and times you expect to use this service.

Special Airfares

Arrange your air travel through APA's designated travel agency, Caravelle Travel, for discounted airfares on numerous major airlines. Caravelle guarantees the lowest fares at the time of ticketing. Receive 10 percent off unrestricted coach fares or a five percent savings on published round-trip fares within the U.S. and Canada, provided all rules and conditions of the airfare are met. Call Caravelle toll free at 800-222-6664 (708-860-8325 from Illinois or Canada).

Ground Transportation

The Marriott and alternative hotels are approximately 20 miles (25 minutes) from the San Francisco International Airport (SFO). Taxi fare from the airport is approximately \$30 each way.

Airport Bus

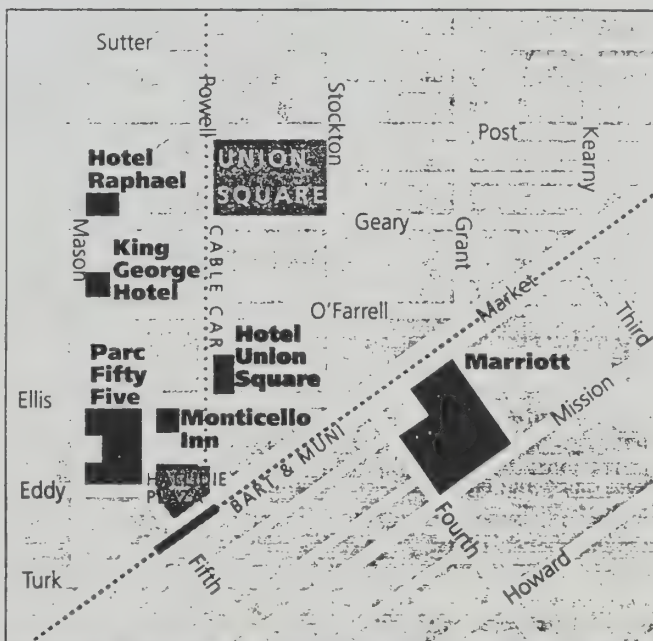
Airport shuttle service is available on SFO Airporter from the baggage claim area at the airport every 10 minutes at a cost of \$8 one way. Advance reservations are not required, but are available by calling 415-673-2433.

Car Rental

Hertz, the official car rental company, offers special rates with unlimited mileage and discounted rates one week before through one week following the meeting. Advance reservations are recommended and may be made by calling Hertz at 800-654-2240 and identifying meeting #2631. Cars can be rented and/or returned at any of the local airports without an additional charge.

Public Transit

SamTrans bus 7B leaves SFO (upper level near United or Delta entrances) at :15 and :45 after the hour, until 5:45 p.m. The bus arrives at Fifth and Mission streets downtown about 50 minutes later; the fare is 85 cents.



HOTELS

San Francisco Marriott

\$139 for one person
\$153 for two persons
\$20 for each extra person
1200 rooms for APA

Park Lane's Parc Fifty Five

\$120 for one or two persons
\$15 for each extra person
300 rooms for APA
A special rate of \$115 applies for reservations made before March 4

Monticello Inn

\$105 for one or two persons
\$15 for each extra person
50 rooms for APA
Note: Double rooms have two twin beds.

King George Hotel

\$99 for one or two persons
\$10 for each extra person
50 rooms for APA
Note: Double rooms have two twin beds.

Raphael San Francisco

\$84 for one person
\$94 for two persons
\$10 for each extra person
75 rooms for APA
Note: Double rooms have two twin beds.

Hotel Union Square

\$89 for one or two persons
\$10 for each extra person
50 rooms for APA
Note: Double rooms have two twin beds.

Prices do not include hotel tax of 12%

URBAN/MUNICIPAL

CA4 ON HBLAD5
C51P4
1994



Urban Municipal
Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 March 2

9:30 o'clock a.m.

Room 233, City Hall

URBAN M
FEB 7 1994
GOVERNMENT DOCUMENTS

pet
Tina Agnello, Secretary
Planning and Development Committee

A G E N D A

9:30 O'CLOCK A.M.

PUBLIC MEETING

1. Zoning Application 93-46, Squiresgate Enterprises Limited (M. Wasserman, President) and 583144 Ontario Limited (J. Petis, President), owners, for changes in zoning from "D" District, modified (Block "1") and "AA" District (Block "2") to "C" District, for lands located on the west side of Upper Kenilworth Avenue, north and south of Milkyway Drive; Trenholme Neighbourhood.
2. Rental Housing Protection Act Application SE-93-001, 718-732 Dunn Avenue, Units 1-6, (Parkview West Neighbourhood)
3. Zoning Application 93-39, J. Amatangelo, owner, for a redesignation from "Residential" to "Commercial" (Block "2") and changes in zoning from "AA" District to "R-4" District (Block "1"), "G-1" District (Block "2"), and "C" District (Block "3"), for lands located at the northwest corner of Rymal Road West and Garth Street; Falkirk East Neighbourhood (Tabled from Last Meeting)
 - (a) Letter of Objection - R. W. Ashbaugh, 509 Rymal Road West

Page Two
Planning and Development Committee Meeting
Wednesday, 1994 March 2nd

- (b) Letter of Objection - J. & J. Parkinson, 477 Rymal Road West
- (c) Letter of Objection - M. & R. Ferretti, 473 Rymal Road West
- (d) Submission - Sergio Manchia, Planner, Planning Initiatives Ltd. re: meeting held with the Ward 8 Aldermen.

ALDERMAN AGOSTINO

- 4. Grass Cutting Charges - 123 Market Street

COMMISSIONER OF PLANNING AND DEVELOPMENT

- 5. Outstanding Official Plan Amendment and Rezoning Applications
- 6. A New Approach to Land Use Planning in Ontario - City of Hamilton Comments
- 7. 1994 Work Program - Local Planning Branch of the Planning and Development Department

SENIOR DIRECTOR, ROADS DEPARTMENT/COMMISSIONER OF PLANNING AND DEVELOPMENT

- 8. Implementation Procedures for Securities with Respect to Site Plan Control Applications

REFERRAL FROM THE COMMITTEE OF THE WHOLE

- 9. Proposed Canada/Ontario Infrastructure Works Program

Page Three
Planning and Development Committee
Wednesday, 1994 March 2nd

10. CONSENT AGENDA
11. PRIVATE AND CONFIDENTIAL AGENDA
12. OTHER BUSINESS
13. ADJOURNMENT

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 February 18
ZAC-93-46
Trenholme Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for changes in zoning - lands located on the west side of Upper Kenilworth Avenue, north and south of Milkyway Drive.

RECOMMENDATION:

That approval be given to Zoning Application 93-46, Squiresgate Enterprises Limited (M. Wasserman) and 583144 Ontario Limited (J. Petis), requesting changes in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified (Block "1") and "AA" (Agricultural) District (Blocks "2" and "3") to "C" (Urban Protected Residential, etc.) District, to permit development for single-family dwellings, for lands located on the west side of Upper Kenilworth Avenue, north and south of Milkyway Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

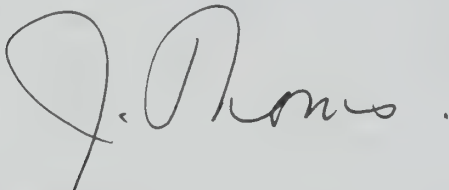
- i) That Block "1" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified to "C" (Urban Protected Residential, etc.) District;
- ii) That Blocks "2" and "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- iii) That the attached By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59B, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and
- iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

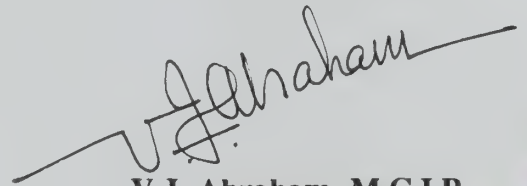
The purpose of the By-law is to provide for changes in zoning for lands located on the west side of Upper Kenilworth Avenue, north and south of Milkyway Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

- Block "1" - from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified to "C" (Urban Protected Residential, etc.) District; and,
- Blocks "2" and "3" - from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The effect of the By-law is to allow future development of the subject lands for eleven single-family dwellings, in conjunction with adjoining lands to the west.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is requesting changes in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified (Block "1") and "AA" (Agricultural) District (Blocks "2" and "3") to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands for eleven single-family dwellings, in conjunction with lands located immediately to the west. Nine lots would front onto Upper Kenilworth Avenue and two would front onto Milkyway Drive. (See APPENDIX "B".)

- Land Severance Applications H-89 to 93-93

Applications have been made to sever the subject lands located north of Milkyway Drive (Blocks "1" and "2"), in conjunction with lands located immediately to the west, to create ten lots for single-family detached dwellings. The severances were granted by the Land Division Committee on January 25, 1994, subject to finalization of the appropriate rezoning and the applicant entering into a modified servicing agreement, to the satisfaction of the Roads Department.

APPLICANT:

Squiresgate Enterprises Limited (M. Wasserman, President) and 583144 Ontario Limited (J. Petis, President), joint owners.

LOT SIZE AND AREA:

- Block "1":
 - 12.76 m of frontage on Upper Kenilworth Avenue; and
 - 54.20 m² of lot area.
- Block "2":
 - 153.02 m of frontage on Upper Kenilworth Avenue; and
 - 1,610.85 m² of lot area.
- Block "3":
 - 9.92 m of frontage on Milkyway Drive;
 - 32.52 m of flankage on Upper Kenilworth Avenue; and
 - 335.47 m² of lot area.

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|----------------------|--------------------------|--|
| <u>Subject Lands</u> | Vacant land | "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified and "AA" (Agricultural) District |

Surrounding Lands

| | | |
|--------------|--|--|
| to the north | Single-family detached dwellings | "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified |
| to the west | Vacant land and single-family detached dwellings | "C" (Urban Protected Residential, etc.) District |
| to the east | Townhouse dwellings and single-family detached dwellings | "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified and "C" (Urban Protected Residential, etc.) District |
| to the south | vacant Regional lands | "AA" (Agricultural) District |

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
 - v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern, and;

- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" by the Approved Trenholme Neighbourhood Plan. The proposal complies with the intent of the approved Neighbourhood Plan.

RESULTS OF CIRCULARIZATION:

- The Regional Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

In conjunction with this application, the applicant/owner has submitted and received conditional approval for Land Division Applications H-89-93 to H-93-93 inclusive.

For the information of the Committee, we have attached a copy of our comments to the Land Division Committee."

"...As a condition of severance approval, the owners must enter into modified servicing agreements with the City and Region."

- The following Agencies/Departments have no comments or objections:
 - The Building Department;
 - The Traffic Department; and
 - The Hamilton Region Conservation Authority.

COMMENTS:

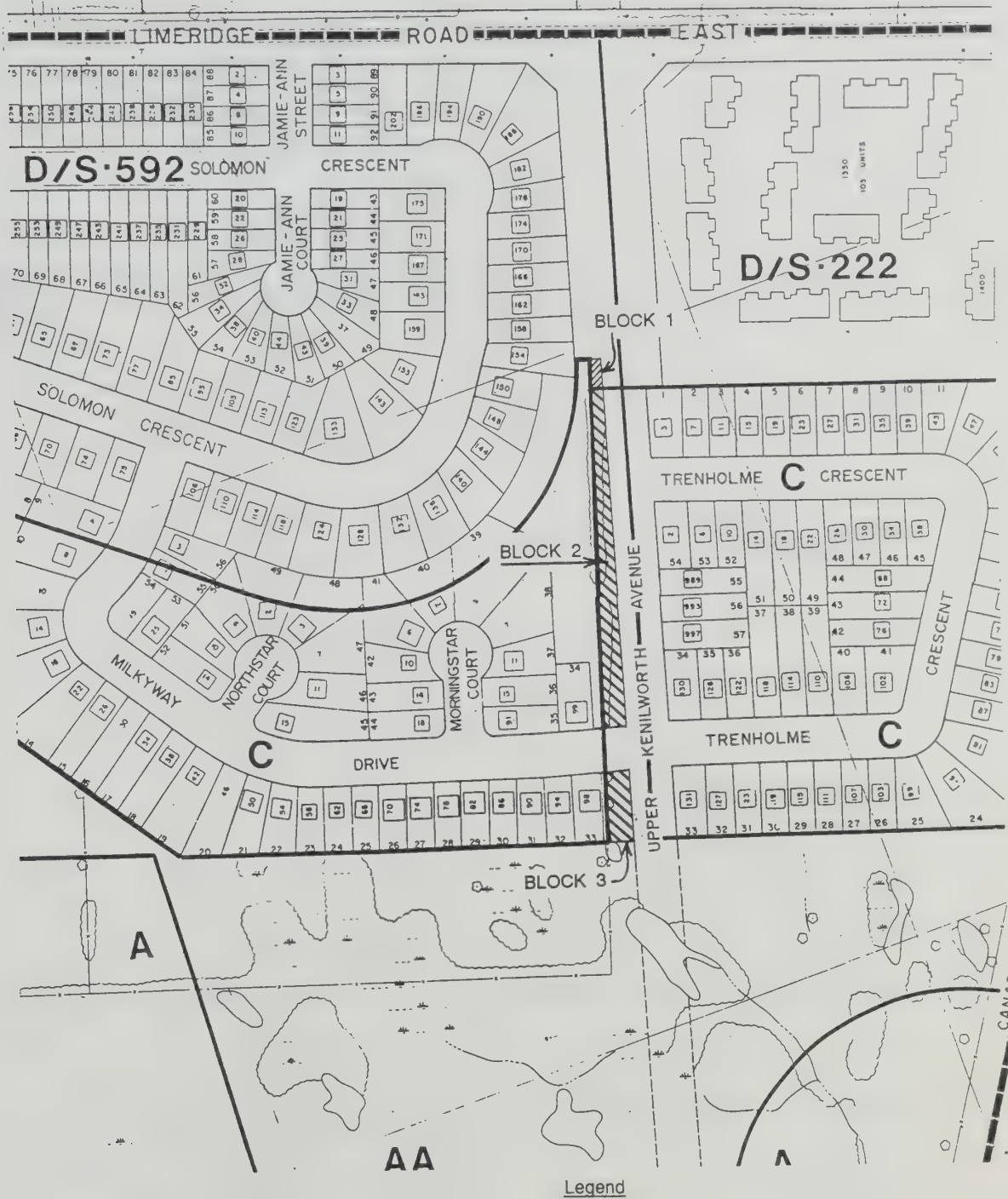
- 1) The proposal complies with the intent of the Official Plan and the Approved Trenholme Neighbourhood Plan.

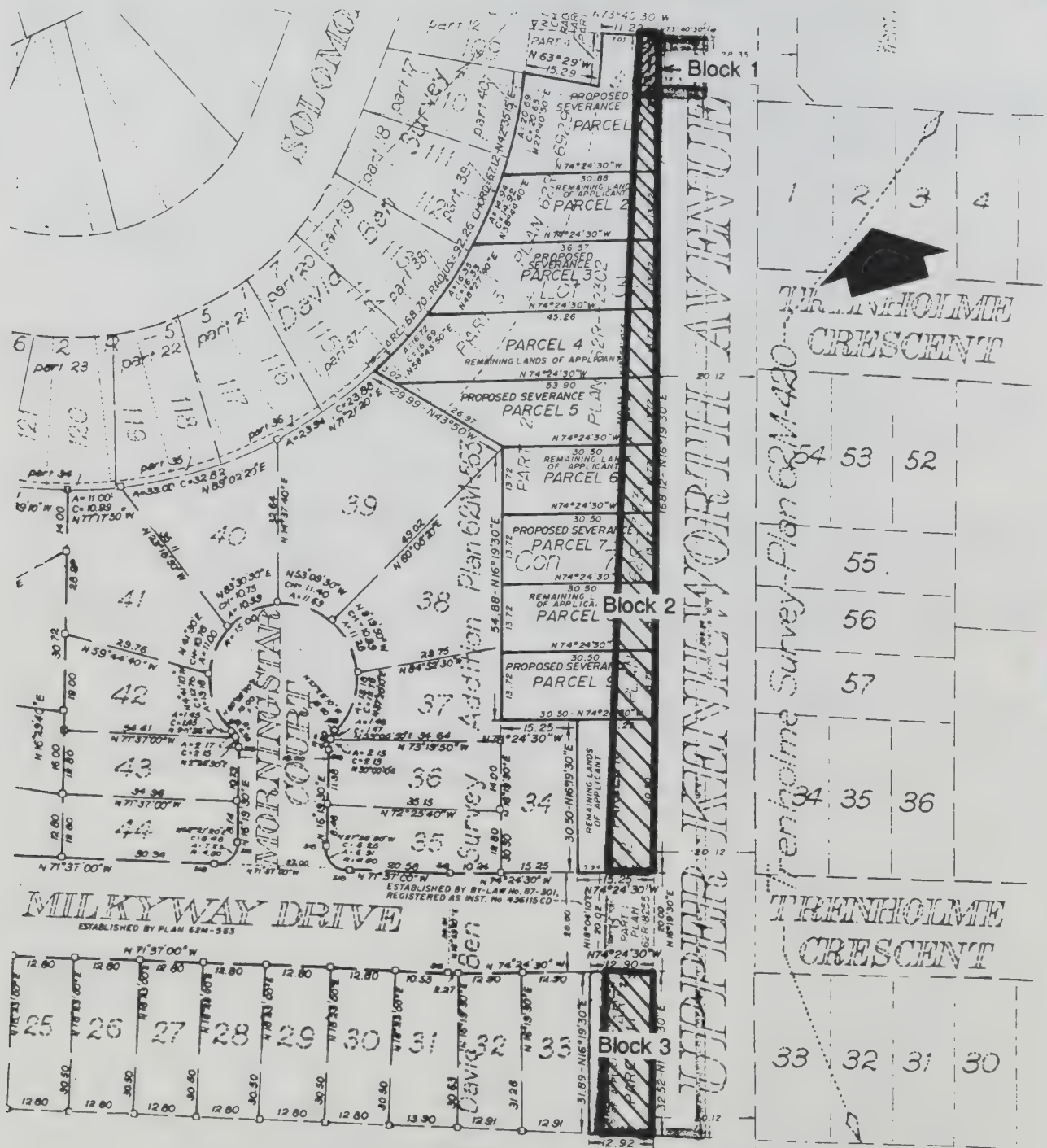
- 2) The proposal has merit and can be supported for the following reasons:
- it would implement the intent of the Official Plan, which designates the subject lands "RESIDENTIAL", and the Approved Trenholme Neighbourhood Plan, which designates the subject lands "SINGLE AND DOUBLE RESIDENTIAL";
 - it would be compatible with existing and proposed development in the area;
 - it would implement a condition of land severance recently granted by the Land Division Committee;
 - the subject lands are a remnant parcel of land located between two large subdivisions, the David Ben Surveys (62M-235 and 563) to the west and the Trenholme Survey (62M-420) to the east. The proposal would provide for appropriate infill to complete development of the area; and,
 - the proposed eleven lots are currently zoned "AA" (Agricultural) District and "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified, at the front and "C" (Urban Protected Residential, etc.) District at the rear. The rezoning would provide for uniform "C" District zoning for the proposed lots.
- 3) The attached By-law to amend Zoning By-law No. 6593, and Zoning District Map E-59B, has been prepared in a form satisfactory to the City Solicitor.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

CL-M





BLOCK 1



Subject Lands

BLOCKS
2 and 3



APPENDIX B

The Corporation of the City of Hamilton

BY-LAW NO. 94-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED ON THE WEST SIDE OF UPPER KENILWORTH AVENUE,
NORTH AND SOUTH OF MILKYWAY DRIVE**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-59B of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified to "C" (Urban Protected Residential, etc.) District, the land comprised in Block 1; and,
- (b) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential) District, the land comprised in Blocks 2 and 3,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

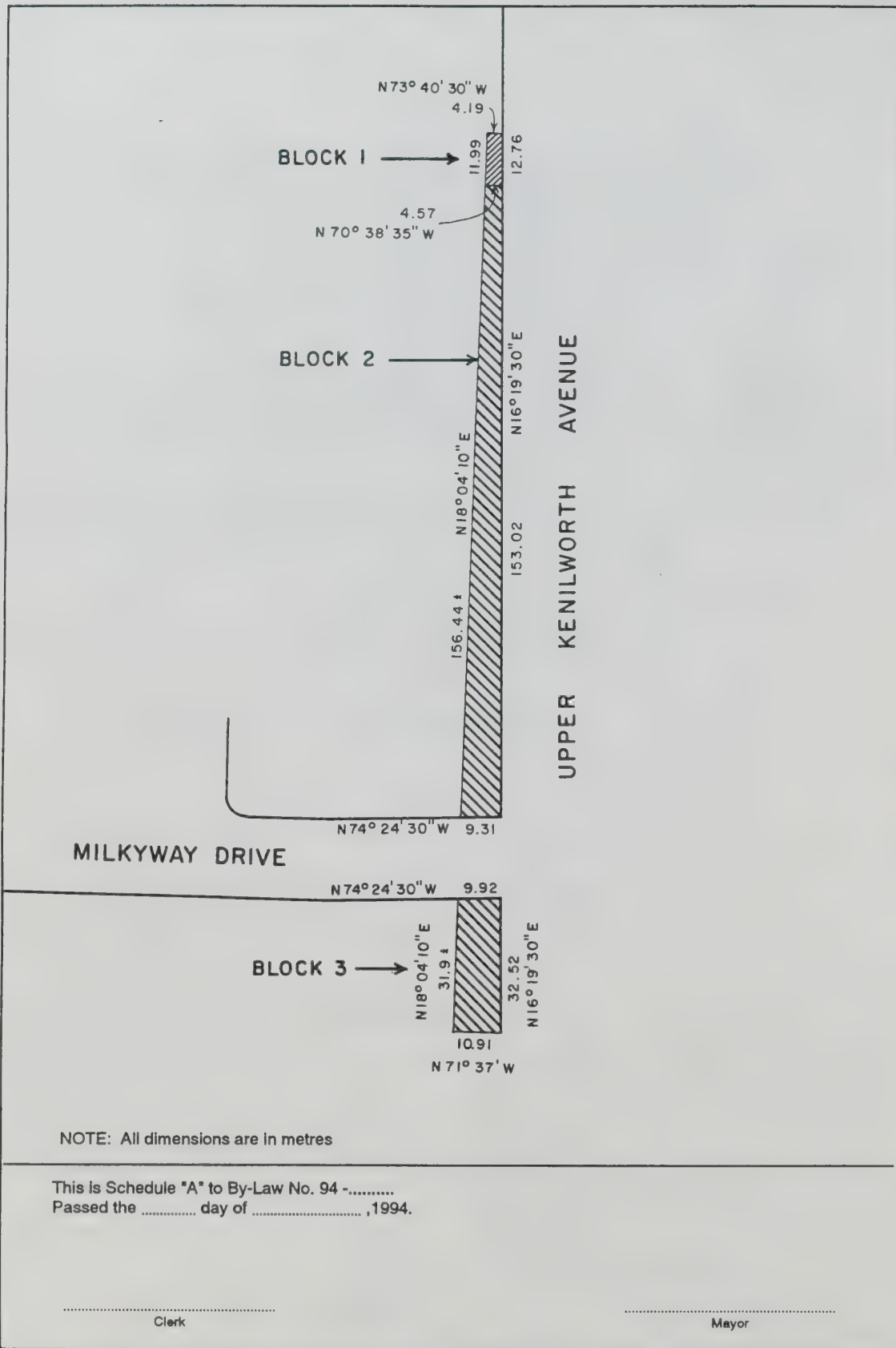
PASSED this

day of

A.D. 1994.

CITY CLERK

MAYOR



City of Hamilton
Schedule A
 Map Forming Part of
 By-Law No. 94 -.....
 to Amend By-Law No. 6593
 Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

| Legend | | |
|-------------------------|---------------|--|
| Changes in zoning from: | | |
| BLOCK 1 | | "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, modified to "C" (Urban Protected Residential, etc.) District. |
| BLOCKS 2 and 3 | | "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District. |
| North | Scale | Reference File No. |
| | NOT TO SCALE | ZAC-93-46 |
| | Date | Drawn By |
| | FEBRUARY 1993 | Z. K. |

CITY OF HAMILTON
- RECOMMENDATION -

2.

DATE: 1994 February 24
(SE-93-001)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Rental Housing Protection Act Application SE-93-001, 718-732 Dunn Avenue, Units 1-6, Hamilton; (Parkview West Neighbourhood).

RECOMMENDATION:

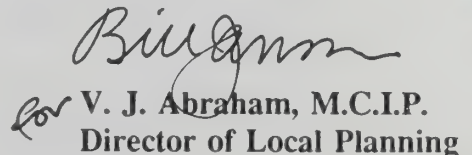
That approval be granted to Application SE-93-001, under the Rental Housing Protection Act, 660261 Ontario Inc., owner, (Aiden Tuite, President,) for the Land Division Committee to Consent to the severance of 6 semi-detached rental residential units into 6 single-family ownership parcels, for 718-732 Dunn Avenue, Units 1-6, Hamilton, Parkview West Neighbourhood, subject to the following conditions:

- (i) That the Owner offer to the Tenants named in Appendix "A", a lease in writing, to **lease to each Tenant their premises for a lease term not less than a term of two years** from the registration of the RHPA approval agreement required below, at the current rent rate set out in Appendix "A", upon the following minimum terms:
 - (a) that such leases be entered into by both parties prior to the City's execution of the said RHPA Approval Agreement;
 - (b) that the Tenants' rent shall not be increased during the first two year's of the lease, but that the rent may be increased after that period as otherwise permitted at law;
 - (c) that the Tenants may terminate the said lease at any time on 60 days notice.
- (ii) That the Owner **grant to the Tenants** named in Appendix "A" an **Option to Purchase their Unit specified in Appendix "A", (together with appurtenant interests).** Such **Option shall allow each tenant at least two years from** the registration on title of the Approval Agreement to exercise their Option to purchase their unit. Within forty-five (45) days of Notice of exercising the Option, the Owner shall enter into an Agreement of Purchase and Sale form of Hamilton Real Estate Board, with the necessary amendments for purchase of the Unit from the Owner, incorporating the conditions in Appendix "B" annexed hereto.

- (iii) That this RHPA approval shall cease and be at an end,
 - (a) if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,
 - (b) in any event, within five years from the date of this approval resolution of Council.
- (iv) That the Owner shall cause a new land owner of the whole property, if any, to enter into an agreement with each Appendix "A" Tenant to assume the obligations of the Owner herein to the Tenants.
- (v) That the Owner shall enter into an **RHPA Approval Agreement with the City** satisfactory in form to the Director of Local Planning and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendix "C" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval.
- (vi) That upon satisfaction of the above noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Nature of Application

An application under the Ontario Rental Housing Protection Act, 1989 for the property at 718-732 Dunn Avenue, Units 1-6 in Hamilton, was submitted to the City on November 16, 1993. The proposal is to convert 6 semi-detached rental residential units, to 6 semi-detached ownership units, to be sold at an estimated price of \$130,000 to \$138,000. The property is shown on the attached key map. Related applications for the subject property have been submitted for both severance and variances.

Land Division Committee Applications H-83-93, H-84-93 and H-85-93 were submitted on December 14, 1993. On January 11, 1994, these applications were approved, to permit the severance of the six rental semi-detached units into six separate parcels, with five parcels to receive a right-of-way over an access roadway belonging to the sixth parcel. This approval was subject to approval of necessary variances, approval of the RHPA application, and meeting all other requirements of the City.

Committee of Adjustment Applications A-93-252, A-93-253 and A-93-254 were submitted on December 13, 1993. This was required since only one of the six parcels created by the severance will have frontage on a public highway. These applications will likely be dealt with by the Committee at the March 2, 1994 or following meeting of the Committee.

History of Property and Existing Buildings

There are three separate buildings on the subject lands, each containing two semi-detached units. Each unit has three bedrooms, and a gross floor area of about 1300 square feet. They were built in 1986-1990, and were intended to be sold as single family units, although they have been used as rental units. There have been previous applications for plan of condominium and severance. A complete history of the property is included in Schedule "A".

In 1993, the owner approached the City about applying for severances, and it was noted that application for consent to sever would first have to be made under the Rental Housing Protection Act.

The applicant's agent has stated the units are still in good condition, since they are relatively new, and no renovations are proposed at this time. The Building Department has indicated that there are no outstanding work orders for the subject property.

Unit 2, 730 Dunn Avenue, was vacated on October 1, 1993, and was vacant at the time the application was made. It has not yet been occupied, according to the applicant.

Rent Details

The five presently occupied three bedroom units have monthly rents of \$900. The applicant advised one vacant unit was rented at the same rate when occupied.

APPLICABILITY OF THE ONTARIO RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental units including renovations, conversions to condominiums and other uses, demolitions and severances.

The proposed severance of six semi-detached rental units, to provide six semi-detached ownership units, at 718-732 Dunn Avenue is subject to the Act since it involves severance of rental residential units for sale and non-rental use.

Evaluation Criteria

In reviewing this proposal, Council must consider Section 7.(1) of the Regulation pertaining to the Rental Housing Protection Act (O.R. 1000), which is as follows:

"7.-(1) The council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

1. *Council finds that,*
 - i) *a rental property for which an application is made for demolition is structurally unsound, or*
 - ii) *a rental property for which an application is made for renovation or repair is structurally unsound at the time of the application and will continue to be structurally unsound if the renovation or repair proposed by the applicant is not carried out and, in the case where tenants are in occupation of the unit, that vacant possession is required to effect the renovation or repair.*
2. *The applicant agrees,*
 - i) *to provide the same number of new rental units in a similar rental range and in the same area as those for which approval is given, and*
 - ii) *to provide rental accommodation in the same area of similar quality and rent, either in the new rental units or in other existing rental property, to any tenant who is required to give up possession of a rental unit as a result of the approval.*
3. *In the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality."*

The first approval criteria of the Regulations is not applicable, since the proposal is not a demolition. The second criteria is also not applicable, since the applicant has indicated no intention or ability to replace the six rental units which would be removed as a result of the application.

Therefore, this application will be evaluated against the third criteria of the Rental Housing Protection Act Regulations. Council may approve this application if, as noted by the Province, "it considers that the loss of these six units, whose rents are unaffordable, does not constitute an adverse effect on the supply of affordable rental housing in the municipality."

Should Council decide to approve the application, it may wish to impose conditions on the approval, such as provision of the tenants with first right of refusal on purchase of their unit, or other conditions to help ensure satisfactory housing options for the tenants.

ANALYSIS BASED ON CRITERIA

Impact on the Supply of Affordable Rental Housing and Rental Vacancy Rates (Criteria 3)

In order to determine the impact of the proposal, C.M.H.C. data was used to evaluate how the existing and proposed units compare with the overall housing market. Since C.M.H.C. does not quantify or monitor semi-detached rental units, data for "row/townhouse" units were considered, since row/townhouse trends can be regarded as indicative of trends occurring in the single-detached/semi-detached rental market.

The subject property is located within C.M.H.C. Zone 2, Central East Hamilton. There are only 10 row units within this zone, too few on which to base analysis. Therefore, row units within the entire City will be used for comparison purposes. Some information was also available from the 1991 Census, but this did not include vacancy data.

The results of the housing market analysis are as follows:

a) Rental Housing Supply

According to the 1991 Census of Canada, there were approximately 5,985 semi-detached dwellings in the City of Hamilton, of which 1,290 were rental, or 21.6 %.

The proposed severance of these units, and their removal from the rental housing supply, would have a **minor impact on the overall supply of rental housing in the City and the immediate area**. It would represent the following changes:

- Reduction of 0.02 % in 34,706 total privately-initiated rental units in City; and,
- Reduction of 0.4 % in 1,413 row units in City.

b) Existing Monthly Rents

The **existing rents of \$900 are above the affordable range for the Hamilton area**, as defined by the Provincial Land Use Planning for Housing Policy Statement (LUPHPS), Information Bulletin 1992. This policy states that units with rents of \$810 or less per month are "affordable" for the Hamilton area, since they are affordable to the lower 60% of households according to income.

In terms of this type of unit, namely **three bedroom row units, the subject units are at the higher end of the rental market**. There were a total of 918 three bedroom row units in the City, according to October, 1993 C.M.H.C. data. These have rents ranging from less than \$400 to just under \$1,000 per month. The subject units were within the highest rent range, namely those with rents of \$900 to \$999, of which there are only 98 units in the City.

c) Proposed Ownership Units

As ownership units, the applicant has indicated the selling price would be between \$130,000 and \$138,000. For the purpose of the affordability analysis, a selling price of \$134,000 has been assumed. Units selling for up to \$149,500 are considered affordable, as defined by the Province's Land Use Planning for Housing Policy Statement, Information Bulletin 1992, and therefore these units can **be considered as affordable**.

Analysis was undertaken of the household incomes which would be required to purchase the proposed ownership units, with down payments of between 5% and 25% of total purchase price, with 1 to 5 year mortgages, at prevailing mortgage interest rates as of January 10, 1994. It was determined that, with a standard 25% down payment, the ownership units would be affordable to households with incomes between the 50th and 60th percentiles, according to the Provincial guidelines. This would be equivalent to **households with incomes of about \$35,000 to \$39,000**.

The proposed ownership units would be more affordable than the existing rental units. According to the Policy Statement, the property as a rental complex has rents that are above the 60th percentile guideline of \$810 which is used to define affordability. However, as an owner-occupied building, the proposed selling prices would fall within the guidelines for ownership affordability.

c) Vacancy Rates

The present rental vacancy rate for the City for all privately-initiated buildings with three or more rental units is 2.9%, as of the most recent CMHC vacancy rate data for October, 1993. This was down slightly from 3.1% in April, 1993. Vacancy rates for the City have been at or over 2% since April, 1992. **The Hamilton rental market is considered by CMHC to be in a balanced position, with a vacancy rate of between 2% and 3%.**

The vacancy rate for all privately-initiated units in the Hamilton (Central East) zone was at 3.1% in October, 1993. **Therefore, the current vacancy rates for the City and this zone are within the healthy range, and can be considered acceptable.**

The current vacancy rate for row rental units in the City is 7.2%. This means that **there are an abundance of vacant row units** within the City as a whole. Vacancy rates for row units have been over 2% since October, 1991.

There are also vacant row rental units in the same price range and at lower rents within the City. There are 12 vacant row units with rents of \$900 to \$999 per month, in the City as a whole, and a total of 70 vacant row units. Therefore, tenants would have options to relocate to a limited number of other vacant row rental units in a similar price range, if they do not wish to purchase their units. However, it is noted that these are row units, not semi-detached as the subject units are. The supply of vacant semi-detached units with similar rents is not known.

The Act states that City Council must be satisfied as to whether or not there is an adverse impact

on affordable rental housing. Based on the foregoing analysis of rental supply, monthly rents and vacancy rates, it **appears that the loss of these 6 rental units would not cause a significant adverse impact on the supply of affordable rental housing, or on the related vacancy rates for the City.** As well, removal of six rental semi-detached units would result in a decline of 0.02% in the total rental stock, and 0.4% in the row rental stock.

Impacts on Existing Tenants

The applicant has approached all of the existing tenants to determine whether they would be interested in purchasing their units. Letters of intent were received from all of the five existing sets of tenants, indicating the following:

- Units 3 and 5 - Nov. 11, 1993 - Both had no objection, interested in purchasing;
- Units 1 and 6 - Nov. 18, 1993 - Both had no objection, interested in purchasing, stated that owning would be cheaper than rent;
- Unit 4 - Nov. 28, 1993 - No objection, may be interested in discussing possible purchase.

The applicant has indicated his intent to enable the tenants to purchase their units if the application for severance is approved. The applicant stated the tenants were made aware of the intended selling price range of \$130,000 to \$138,000 for these units. One set of tenants is agreeable to a purchase price of \$132,000 to \$139,000; another set stated the purchase price is to be negotiable, and the remaining 3 letters of intent made no reference to price.

The tenants of units 1 and 6 stated in their letters of intent they feel they would be in a better financial position making mortgage payments than paying rent. They state they would anticipate having first right of refusal to purchase the units.

Based on the foregoing information and housing market analysis, the impacts on existing tenants appear to be minimal and can readily be mitigated, since:

- The applicant is willing to offer first right of refusal to the existing tenants;
- All of the tenants have no objection to the application;
- The units would be more affordable as ownership than rental units, as indicated by the analysis and supported by the tenants;
- All tenants are either interested in purchasing their units, or may be interested; and,
- Even if some tenants decide not to purchase their units, there are many other housing options open to them, including many vacant rental units at the same rent or less.

Access Issue -- Necessity for a Plan of Condominium

Development of this property as a condominium has been considered in the past. Draft Plan of Condominium (25CDM-79001) was approved by Regional Council for the property on November 6, 1979, subject to conditions. On February 20, 1987, this draft approval lapsed.

The owner is now proposing that in place of a condominium and its control of the common privately owned access roadway, that Council approve under the Rental Housing Protection Act, that his six unit rental property be severed into six lots, with **control of the privately owned**

roadway by means of private right of way agreements among the six separate owners. If the owner's application is approved, five residential lots will be established that do not have any frontage on a public street. Instead, the applicant would give each lot purchaser a right of way by means of a private agreement among the owners.

The City Law Department, in its comments, advises that to ensure that the private roadway will over the years continue to be well maintained in future for access to each of the six lots it is highly preferable that this rental development be divided into six condo units, where the condo corporation will have statutory rights to maintain and control the access private laneway.

The Law Department states that if the private agreements are in dispute among the owners, the private access to the public highway by five family homes could be seriously jeopardized and the City may be asked to assume ownership and maintenance of the private roadway which does not meet the Province's and the City's minimum standard widths etc.

For these reasons, the Law Department strongly recommends that the RHPA application for permission to sever and rely upon rights of way agreements among the owners be denied and the applicant be directed to register a Condominium Plan if he wishes to sell his rental complex into six lots. As a Condominium, the proposed private lane would be made a common element, and each of the six owners would have equal and enforceable rights and obligations in the use, maintenance, and recovery of all such costs in their private roadway.

The other alternative which is always open to the owner, is to continue with the current property arrangement. At present the applicant owns all six residential rental units and as owner of the whole site, including its common shared roadway, is in a legal position to ensure the use and maintenance of the road and to collect through rent the applicable costs from each of his six tenants.

The applicant wishes to cease being a landlord and to sell the development. The applicant wishes to avoid the expense of registering a condominium and requests the City to permit a severance and to rely upon the agreements (listed in the recommendation) among the new owners. If the Committee is in favour of the severance application, and does not want to require the applicant to have to proceed by way of a condominium plan, then the above recommendation requires right of way agreements as a condition of RHPA approval.

CONDITIONS OF APPROVAL:

In general with RHPA applications, if there are concerns about the impacts on tenants and possible displacement of tenants as a result of approval of applications, Committee can make approval conditional on the preparation of an approval agreement, to ensure that the existing tenants have available to them a number of acceptable housing options. This might include providing tenants with first right of refusal to purchase their units; long-term leases to enable them to continue renting, or other options.

Such conditions of approval have been approved by City Council in the case of previous RHPA applications, such as 515 Main Street East and 293 Limeridge Road West. In approving these applications for conversion to condominium use, Council required that the owners enter into legal agreements protecting the interests of existing tenants, by requiring that the tenants have long-

term leases at the existing legal rent rates, and giving them the right to purchase their units at specified prices.

As noted, approval of the application for Dunn Avenue **would not have an adverse impact on the supply of affordable rental housing in the City if the applicant offers the existing tenants the opportunity to purchase their units.** Therefore, it is necessary to ensure that these offers to the tenants are incorporated in a legally binding agreement. This can readily be accomplished by means of an Approval Agreement under the RHPA.

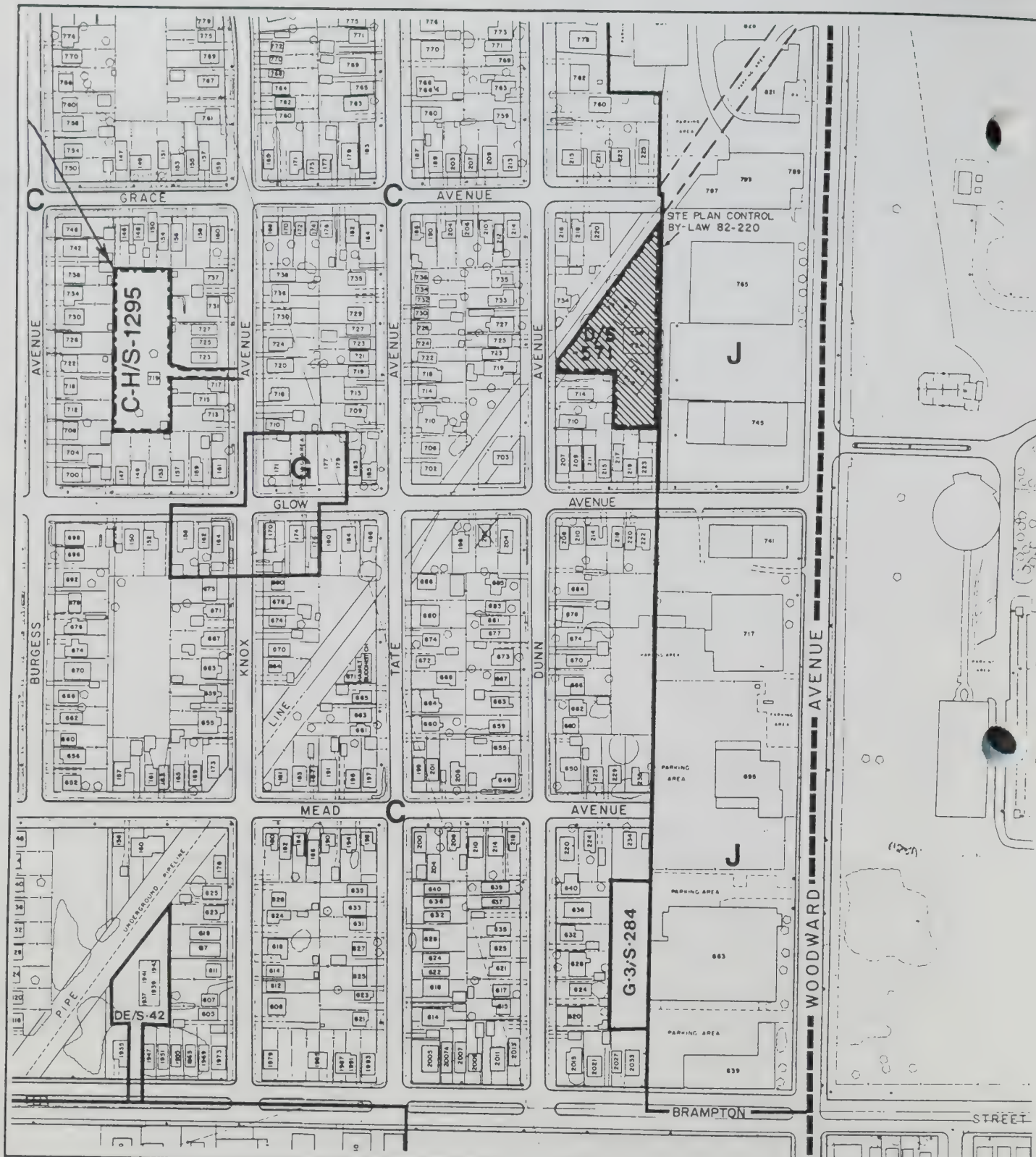
The proposed conditions of approval, in abbreviated form, are as follows. The complete list of conditions are contained in the Recommendations and Appendices:

- The owner will offer tenants an option to purchase their unit within two years. The sale is to be completed within 120 days, unless otherwise agreed by the Tenant;
- The purchase price to be agreed upon by the owner and tenant, not to exceed \$138,000, or as otherwise outlined in the agreement;
- The owner will offer to tenants a lease for up to two years, at current rents, subject to any legal rent increases;
- The owner is to enter into an RHPA Approval Agreement with the City incorporating the City's conditions of approval, to be registered on title to the property;
- The approval will end if the Owner has sold the land without entering and registering the Approval Agreement with the City; and, in any event, within 5 years of approval;
- The owner will cause a new land owner if any to enter into an agreement with each Tenant to assume these obligations of the owner to the tenants;
- The RHPA Approval Agreement, leases and options to purchase will be prepared by the owner and registered by the Owner at its expense, including payment of registration fees;
- This approval for consent to sever under the provisions of the Rental Housing Protection Act will be subject to approval of the related applications before the Committee of Adjustment.

Upon satisfaction of the above noted conditions, the City Clerk will be authorized to execute the RHPA Certificate of Approval in a form satisfactory to the City Solicitor.

CONCLUSIONS:

Taking into account all relevant considerations, the proposal **would not have a significant adverse impact on the supply of affordable rental housing in the City if the applicant offers first right of refusal to tenants to purchase their units.** Therefore approval of the application can be recommended, conditional on the offers to tenants and the other conditions as outlined.



City of Hamilton

Key Map

Rental Housing Protection Act

SE -93 - 001 718-732 Dunn Ave.

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Location of Subject Lands.

North



Scale
NOT TO SCALE

Date
DECEMBER 1993

Reference File
SE - 93 - 001

Drawn By
Z.K.

APPENDIX "A"

718-732 DUNN AVENUE, UNITS 1-6 - TENANTS AND RENTS

| <u>TENANTS</u> | <u>RENTS</u> |
|---|--------------|
| Phyllis Barnes 732 Dunn Avenue Unit 1 Hamilton, Ontario L8H 6M8 | \$900.00 |
| Occupant 730 Dunn Avenue Unit 2 Hamilton, Ontario L8H 6M8 | N/A |
| Denise Duncan 726 Dunn Avenue Unit 3 Hamilton, Ontario L8H 6M8 | \$900.00 |
| Mike Feldman 724 Dunn Avenue Unit 4 Hamilton, Ontario L8H 6M8 | \$900.00 |
| Lois Wilson 720 Dunn Avenue Unit 5 Hamilton, Ontario L8H 6M8 | \$900.00 |
| Robert Glen 718 Dunn Avenue Unit 6 Hamilton, Ontario L8H 6M8 | \$900.00 |

APPENDIX "B"

The Agreement of Purchase and Sale shall provide,

- (a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant;
- (b) that the purchase price for the Unit be the **price agreed upon between the Owner and the Tenant, not to exceed One Hundred and Thirty Eight Thousand Dollars (\$138,000.00)**. In the event the purchase price is not agreed upon, the purchase price shall be the lesser of \$138,000 Thousand Dollars, or the average sale price of similar units on the same property at the time the Option is exercised by the Tenant;
- (c) a clause requiring the purchaser to accept title to the semi-detached unit subject to and together with :
 - (i) a right of way over a private roadway for access between their unit and Dunn Ave., which private road will remain under the private ownership of the unit fronting on Dunn Ave.;
 - (ii) a non exclusive shared right of way easement over the said private access roadway;
 - (iii) a private Maintenance Agreement among the six unit owners for the use, maintenance and replacement of the said private access lane. The purchaser shall also acknowledge to the Grantor that the purchaser understands that the City has no responsibility and cannot be required to assumes any responsibility for the said access roadway, including its repair, maintenance and replacement.

APPENDIX "C"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

- (a) Until all 6 of the Lots are sold, the applicant shall covenant to maintain the private lane and indemnify the City from any claims or expense relating to the use or repair of the roadway. The agreement shall also oblige the applicant to require that purchasers of the 6 Lots to accept, sign and fulfil the right-of-way matters and Maintenance Agreement outlined in paragraph (c) of the preceding appendix, as a condition of sale.
- (b) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.
- (c) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of the rental unit.
- (d) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant only and not assignable by the Tenant to anyone, unless approved by the owner, in the owners absolute discretion.
- (e) If the Director of Local Planning receives a declaration from the Owner that a Tenant named in Appendix "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Local Planning shall send by registered mail to the Tenant at the rental unit listed in Appendix "A", a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.
- (f) That this approval to the Consent to sever the Owner's land under the provisions of the Rental Housing Protection Act also be conditional upon approval of the related applications to the Committee of Adjustment, for any necessary variances.

SCHEDULE "A"

PLANNING HISTORY OF 718-732 DUNN AVENUE, UNITS 1-6

- August, 1976 - owner applied to rezone subject lands from "C" to "D" District;
- November, 1976 - Council denied rezoning application, which was appealed to OMB;
- January, 1978 - OMB decision to approve development for 3 semi-detached dwellings subject to conditions, including approval of a plan of condominium (OMB File R77224);
- May, 1978 - By-Law No. 78-148 passed by City, to allow the present three buildings to be built on one parcel, via site specific zoning D/S-571, modification to the "D" District;
- November 6, 1979 - Draft Plan of Condominium (25CDM-79001) for the property was approved by Regional Council, subject to conditions.
- October, 1986 - building permits issued for three semi-detached buildings, construction began;
- February 20, 1987 - draft approval of plan of condominium lapsed; property later sold;
- May, 1990 - property purchased by present owner, who intended to complete and sell the units as single family units; construction completed in October, 1990;
- May, 1991 - applications for severance were made, to create six separate parcels of land, with appropriate rights-of way and maintenance agreements over the private lane for access and maintenance;
- Several minor variances were also required, for setbacks and frontage;
- The severance application was denied, based on Building Dept. comments that the parcels of land created without road frontage would not comply with the Zoning By-Law;
- Planning Dept. staff recommended application for a site specific zoning by-law to allow the creation of six separate units, exempt from provisions of the Planning Act;
- In 1993 the owner approached the City about applying for these severances, and the Planning Dept. noted that application would have to first be made for consent to sever under the Rental Housing Protection Act, since the units are occupied by tenants, although the original intent was that they be ownership units;
- November 22, 1993 - **Rental Housing Protection Act Application SE-93-001** was submitted, for consent to sever;
- December 13, 1993 - **Committee of Adjustment Applications A-93-252, A-93-253 and A-93-254** were submitted. This was required since only one of the six parcels created by the severance will have frontage on a public highway. These applications will likely be dealt with by the Committee at the March 2, 1994 or following meeting of the Committee;
- December 14, 1993 - **Land Division Committee Applications H-83-93, H-84-93 and H-85-93** were submitted. On January 11, 1994, these applications were approved, to permit the severance of the six rental semi-detached units into six separate parcels, with five parcels to receive a right-of-way over access land belonging to the sixth parcel. This approval was subject to approval of necessary variances, approval of the RHPA application, and meeting all other requirements of the City.

CITY OF HAMILTON

- RECOMMENDATION -

3.

DATE: February 8, 1994
ZAC-93-39
Falkirk East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

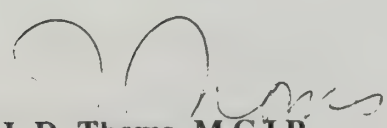
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

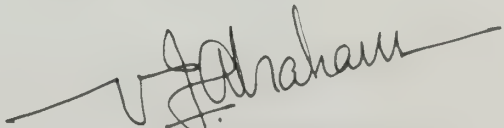
SUBJECT: Request for an Official Plan Amendment and a change in zoning for lands at the north-west corner of Garth Street and Rymal Road West.

RECOMMENDATION:

That Zoning Application 93-39, Mr. Jerry Amatangelo (Intrust), owner, requesting an Official Plan Amendment and change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwellings) District for Block "1"; to "G-1" (Designed Shopping Centre) District for Block "2"; and to "C" (Urban Protected Residential etc.) District for Block "3", for lands located at the north-west corner of Garth Street and Rymal Road West, shown as Blocks "1", "2", and "3" on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) The proposal conflicts with the intent of the Falkirk East Neighbourhood Plan, in that the land area proposed for commercial use is 2.6 x larger than the area designated for commercial use (i.e. 1.0 ac);
- ii) The proposal conflicts with the intent of the Falkirk East Neighbourhood Plan which is to provide for neighbourhood convenience type uses, whereas the requested "G-1" (Designed Shopping Centre) District provides for community based type uses;
- iii) There is an adequate supply of commercially designated and zoned sites in the south mountain area to serve the residents of the community;
- iv) The proposal to permit small lot single-family dwellings conflicts with the intent of the Official Plan, in that the area lacks diversity and would result in an over-concentration of similar dwelling sizes and types within the easterly portion of the Falkirk East Neighbourhood; and,
- v) Approval of the application would not contribute to a desirable mix of housing and, if approved, would encourage other similar applications.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Mr. Jerry Amatangelo (Intrust), owner.

BACKGROUND:

- Proposal

The applicant has applied for an Official Plan Amendment and changes in zoning, for lands located at the northwest corner of Rymal Road West and Garth Street, as shown on the attached map, on the following basis:

- Block "1" - change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwelling) District.
- Block "2" - Official Plan redesignation from "Residential" to "Commercial"; and,
 - change in zoning from "AA" (Agricultural) District to "G-1" (Designed Shopping Centre) District.
- Block "3" - change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The purpose of the application is to permit future development of Block "1" for 16 small lot single-family dwellings fronting onto the proposed extension of Lynette Drive (Lynette Court), Block "2" for a commercial shopping centre comprised of two (2) buildings (Building 'A' - three (3) storeys, Building 'B' - one (1) storey, total G.F.A. - 4,284 m²) with 149 parking spaces, and Block "3" for 7 single-family dwellings fronting onto Alfrin Court (see Appendix "B").

LOT SIZE AND AREA:

- 136.846 m (448.97 ft.) of lot frontage on Garth Street;
- 202.747 m (665.18 ft.) of lot depth; and,
- 2.428 ha (5.9 acres) of lot area.

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|----------------------|--------------------------|------------------------------|
| <u>Subject Lands</u> | Vacant | "AA" (Agricultural) District |

Surrounding Lands

| | | |
|--------------|--|--|
| to the north | Vacant | "C"- 'H' (Urban Protected Residential, etc.- Holding) District, modified, "R-4" (Small Lot Single - Family Dwelling) District, modified and "C" (Urban Protected Residential, etc. - Holding) District, modified |
| to the west | Small Lot Single-Family Dwellings | "R-4" (Small Lot Single -Family Dwelling) District, modified |
| to the east | Vacant lands of the St. Elizabeth Home Society | "DE"- 'H' (Low Density Multiple Dwellings - Holding) District, modified |
| to the south | Vacant lands and Single-Family Dwellings | "AA" (Agricultural) District |

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule A - Land Use Concept of the Official Plan. The following policies of Subsection A.2.1 Residential Uses and Subsection A.2.2 - Commercial Uses should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;"

The following policies of Subsection A.2.2 - Commercial Uses should be noted for the commercial component of the proposal:

"A.2.2.6 The SHOPPING CENTRES category applies to groups of Commercial establishments planned and developed as a unit, and having no less than 1,400 square metres of gross floor area.

A.2.2.8 Council recognizes SHOPPING CENTRES as appropriate forms of Commercial development necessary to the economic health of the City and the Region. In this regard, Council will utilize the following classifications of SHOPPING CENTRES, where applicable, in the preparation of Neighbourhood Plans:

- iv) A Neighbourhood SHOPPING CENTRE will have a gross floor area of 2,000 square metres to a maximum of 14,000 square metres.

A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.36 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

A.2.2.37 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will

require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

- A.2.2.40 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

The proposal conflicts with the intent of the Official Plan. The application requires an Official Plan amendment to redesignate Block "2" from "Residential" to "Commercial".

NEIGHBOURHOOD PLAN:

The lands are designated "SINGLE AND DOUBLE RESIDENTIAL" (Blocks "1" and "3", and the westerly portion of Block "2") and "COMMERCIAL" (easterly portion of Block "2") on the approved Falkirk East Neighbourhood Plan. The proposal does not comply with the intent of the Plan. If approved a redesignation would be required for the westerly portion of Block "2" from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL". Furthermore, a neighbourhood plan amendment would be required to change the approved road pattern as per the submitted plan, and realign the 20 ft. planting strip to abut the proposed residential development.

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:

- Building Department;
- Traffic Department;
- Union Gas; and,
- Hamilton Region Conservation Authority.

- The Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewer available to service these lands. Blocks 1 and 2 must be serviced to the sewers to the north. Block 2 can be serviced to the sewers on Rymal Road.

The designated road allowance width of Garth Street is 36.58m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the city to establish the property line 18.29m from the centreline of the original Garth Street road allowance.

The designated road allowance width of Rymal Road is 36.58m. In accordance with this designation, we recommend that as a condition of development approval that a strip of land 4.8936m in width, adjacent to lands to be rezoned, be dedicated to the Region for road widening purposes. The original plan submitted by the applicant indicates a 9.97m road widening on Rymal road and the applicant may wish to discuss this apparent road widening difference with our staff.

We require that as a condition of development approval that a 12m by 12m daylight triangle, established at the widened north west angle of Rymal Road and Garth Street, be dedicated to the Region for road widening purposes.

The subject lands must be developed through a satisfactory plan of subdivision and the R-4 residential lands on the north side cannot be developed until Lynette Drive and Lynette Court are established and constructed to their full widths.

According to plans submitted by the applicant, access to the residential lots adjacent to Garth Street will be from the internal road system only and not Garth Street and we have reviewed the plan on that basis. the City of Hamilton may wish to establish a 0.30m reserve adjacent to residential lands backing onto Garth Street to eliminate the creation of through lots.

For the applicants information, we will require a 2m by 2m daylight triangle at the north east corner of Lynette Drive and Lynette Court and 9m transitions into and out of the cul-de-sac built on Lynette Court.

As a condition of development approval, the 0.30m reserve on Alfrin Court, shown as Block 143 on Plan 62M-679, must be lifted and all outstanding servicing costs be paid to the City/Region.

Access to Lot 1 on Alfrin Court, adjacent to Rymal Road, must be from Alfrin Court only and not Rymal Road.

As you are aware, the owner of adjacent lands to the west has met with staff to extend Alfrin Court northerly and realign the lot lines different than that shown on the plan submitted with this application. This matter should be resolved at this time.

The purposed change in the neighbourhood plan, as shown on the applicants development plan, will result in a cul-de-sac length of approximately 160 to 165m on Lynette Drive and Lynette Court. Comments from the City of Hamilton Traffic Department and the respective emergency agencies on this matter should be considered.

The Public Transit Department has reviewed the proposed neighbourhood plan changes and submits the following comments:

- i) They concur with the recommendation of the City of Hamilton Traffic Department that a walkway be established between the east end of Lynette Court and Garth Street.
- ii) As a condition of development approval, a municipal sidewalk should be constructed on the north side of Rymal Road between Alfrin Court and the proposed commercial block. This matter can be addressed through subdivision control.

Details of the accesses to the commercial block will be addressed at the site plan stage. The limited frontage on Garth Street may restrict access or permit access to Garth Street

on the north side of the commercial block only. The applicant should be advised that the future intersection reconstruction and widening of Rymal Road and Garth Street will likely include the construction of raised concrete median islands which will restrict access to these lands at some future date."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. The application requires an Official Plan Amendment to redesignate Block "2" from "Residential" to "Commercial".
2. The proposal conflicts with the Falkirk East Neighbourhood Plan. If approved, a redesignation would be required for the westerly portion of Block "2" from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL". Furthermore, a neighbourhood plan amendment would be required to change the approved road pattern as per the submitted plan, and realign the 20 ft. planting strip to abut the proposed residential development.
3. The proposal cannot be supported for the following reasons:

- i) The proposal conflicts with the Falkirk East Neighbourhood Plan. In this regard, the land area proposed for commercial use is 2.6 x larger than the area designated for commercial use (i.e. 1.0 ac);
- ii) The proposal conflicts with the intent of the Falkirk East Neighbourhood Plan which is to provide for neighbourhood convenience type uses (i.e. barbershop/hairdresser, drugstore, hardware store, medical office, etc.), whereas the requested "G-1" (Designed Shopping Centre) District provides for community based type uses (e.g. theatre, liquor store, automobile service station, carwash, etc.) which are intended to serve the community rather than immediate neighbourhood. These community based uses are presently located along Upper James Street and at the intersection of Rymal Road and Upper James.

Furthermore, from a neighbourhood planning and design perspective neighbourhood convenience type commercial sites have a maximum land area designation of 1.0 acre. This design criteria is reflected in the Zoning By-law in that the "G-4" (Designed Neighbourhood Shopping Area) District only allows a maximum lot area of 4,000 m² (1.0 ac), whereas the proposed "G-1" (Designed Shopping Centre) District has a minimum lot area of 4,000 m² (1.0 ac);

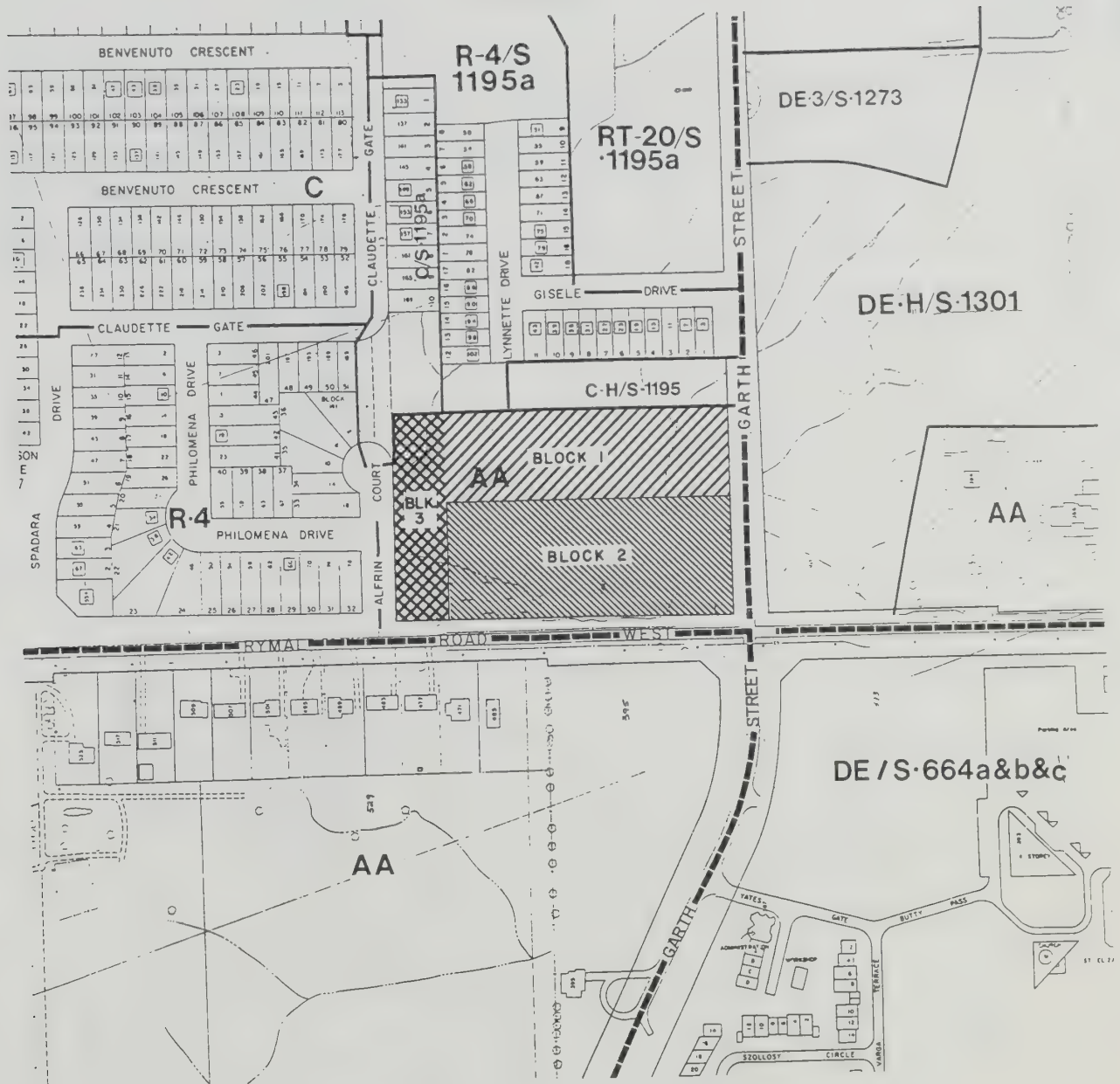
- iii) There is an adequate supply of commercially designated and zoned sites in the south mountain area to serve the residents of the community (i.e. Rymal Road and Upper James, and Upper Paradise and Stone Church Road). In addition, the proposed Falkirk West Neighbourhood Plan provides for a neighbourhood convenience commercial site at the north-west corner of Upper Paradise and Rymal Road.

- iv) The proposal to permit small lot single-family dwellings conflicts with the intent of the Official Plan in that the area lacks diversity and would result in an over-concentration of similar dwelling sizes and types within the easterly portion of the Falkirk East Neighbourhood. From a design perspective, the smaller lots have been accommodated on the neighbourhood collector roads to the north and the cul-de-sacs have been reserved for the larger conventional "C" - District single-family lots;
- v) Approval of the application would not contribute to a desirable mix of housing and, if approved, would encourage other similar applications.

CONCLUSION:




Based on the foregoing, the proposal cannot be supported.

JL/jl
WPZAC9339



Legend

Proposed change in zoning from "AA" (Agricultural) District to:

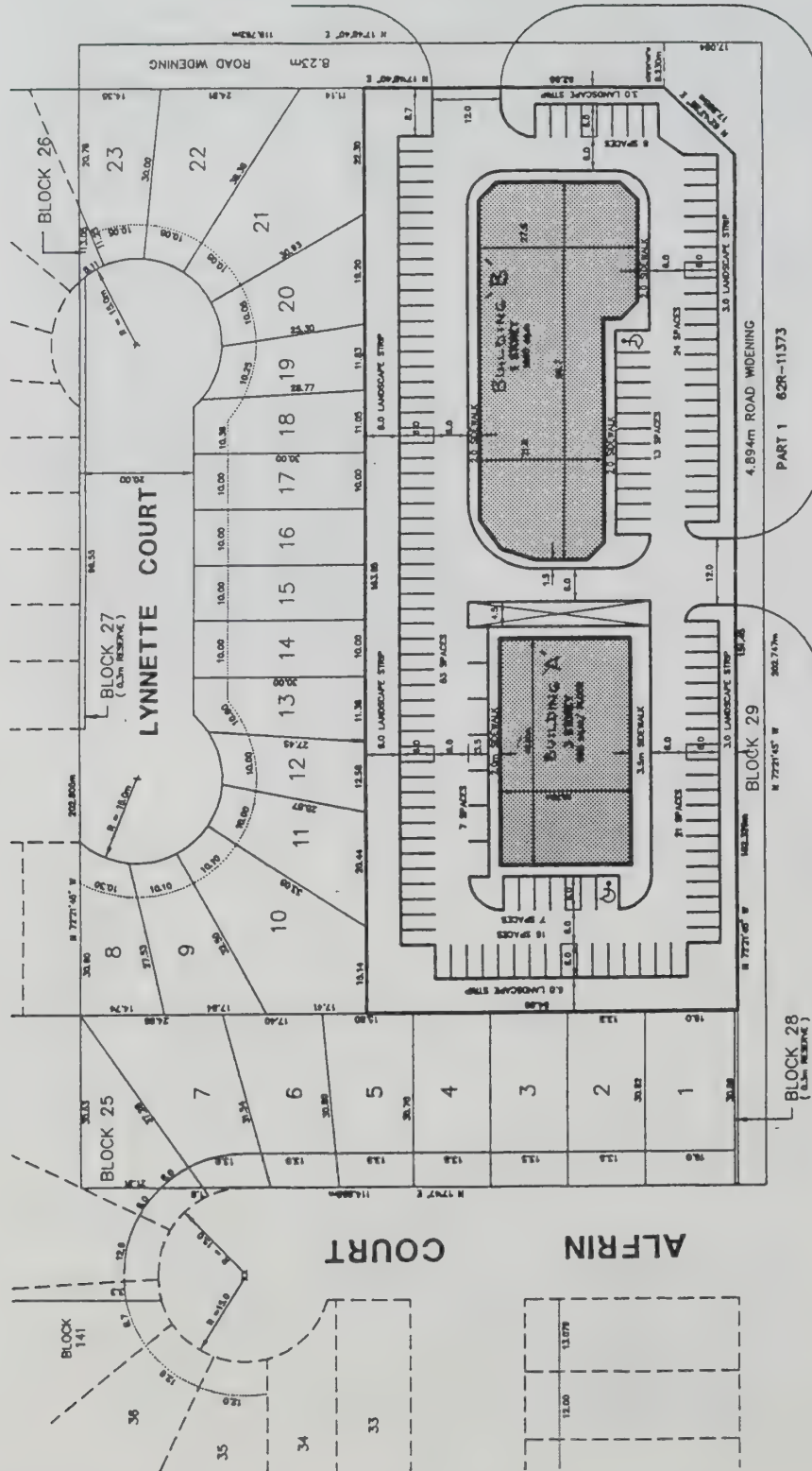
- | | | |
|---------|---|--|
| BLOCK 1 |  | "R-4" (Small Lot Single-Family Detached) District. |
| BLOCK 2 |  | "G-1" (Designed Shopping Centre) District. |
| BLOCK 3 |  | "C" (Urban Protected Residential, etc.) District. |

ZAC-93-39

APPENDIX A



GARTH STREET



REGIONAL ROAD 153 - RYMAL ROAD

(FORMERLY THE KING'S HIGHWAY 53)

ZA-93-39. FEB

FEB. 1, 1994

3(a)

I AM OPPOSED ONLY TO THE CHANGE OF BLOCK 2
TO A SHOPPING CENTRE. THE SHOPPING CENTRES AT
JAMES & RYMAL, GARTH & GARROW, AND STONE
CHURCH & PARADISE HAVE NEVER BEEN FULLY
OCCUPIED AND ANOTHER SHOPPING CENTRE AT
RYMAL & GARTH SEEMS UNNECESSARY. MY MAIN
OPPOSITION TO THIS SHOPPING CENTRE IS THE
TRAFFIC INCREASE THIS WOULD CREATE. WE ALREADY
HAVE CONSIDERABLE DIFFICULTY GETTING ONTO
RYMAL ROAD FROM OUR RESIDENCE AND THIS
WOULD ONLY ADD TO THE PROBLEM.

WOULD YOU PLEASE ADVISE ME OF MEETING DATES
AND COUNCIL DECISIONS.

R.W. ASHBADSEIT
509 RYMAL RD W.
HAMILTON
L9B 1B7

ZA-93-39

J. & J. Parkinson,
477 Rymal Rd. West,
Hamilton, Ont.
L9B 1B7.

February 15th., 1994.

Dear Sir or Madam:

We are opposing the proposed changes in zoning to allow a shopping plaza on the corner of Rymal Rd. West and Garth St. There is a new large plaza on the corner of Upper James and Rymal Rd., as well as enough small plazas in the surrounding area. These plazas are never fully occupied and continually changing hands and some even remain empty. There is also a four storey commercial building in St. Elizabeth Village, that is only 25% occupied and has been this way for the past ten years.

The area is quite lonely and quiet after dark, even though a major highway runs through it and hopefully will be moreso when the East-West thruway is in use. So we certainly do not need another plaza, where certain types hang out for illegal purposes and lack of something better to do.

The residents in the area are mostly older, longtime residents, who chose to live in such an area because they do not want to live near commercial properties.

The residents have already had the cost of sewers forced upon them, even though they neither needed or wanted them. Because most of them are older residents, who have just retired or about to retire, they are finding it hard enough to pay city taxes, without the additional cost of the sewers, which rightfully should have been paid for by the land developers who own the land on the North side of Rymal Rd., between Garth St. and Upper Paradise, especially since the sewers were installed for the benefit and profit of these landowners, who did not pay one penny towards the installation of the ~~sewer~~ trunk sewer.

Yours truly,

John Parkinson
Jean Parkinson

3(b.1)

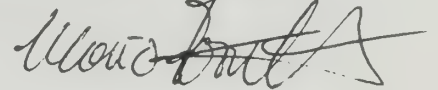
3(c.)

Dear Madame/Sir

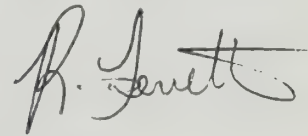
The reasons we are opposing to the shopping plaza to be put between Rymal Rd West and Garth St. is because there is already a newly put in shopping plaza on Rymal Rd West and Upper James. This community does not need a new shopping plaza, there are plenty around this area. This area is busy enough, we have two children. To have a new shopping plaza across the street from our house is not needed. My wife and I are opposed to the plaza you are planning to put in.

Sincerely,

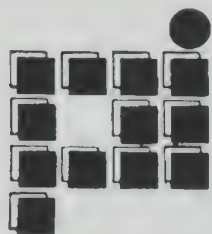
Mr. Mario Ferretti



Mrs. Rosanne Ferretti



MF/RF



**planning
initiatives ltd.**

engineers, planners and landscape architects

☐ 379 Queen Street S.
Kitchener, Ontario
N2G 1W6
Tel. (519) 745-9455
Fax (519) 745-7647

☒ 118 Jackson Street E.
Hamilton, Ontario
L8N 1L3
Tel. (416) 546-1010
Fax (416) 546-1011

MEMO VIA FAX

February 23, 1994

City of Hamilton
City Clerk's Office
City Hall, 71 Main Street West
Hamilton, Ontario
L8N 3T4

ATT: Ms. Susan Reeder, A.M.C.T
Legislative Assistant

Re: Application ZAC-93-39: Tabled at the February 16, 1994 Planning & Development Committee Meeting.

Dear Ms. Reeder:

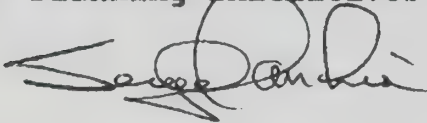
As you are aware at the February 16, 1994 Planning & Development Meeting, application ZAC-93-39 was tabled by the Committee. The application was tabled in order to resolve various concerns and issues of the development proposal between the developer/consultant, area residents and the Ward 8 Aldermen.

As a result of our meeting with Alderman Ross and Alderman D'Amico on February 22, 1994 the following amendments to the application were agreed upon:

- A) The residential component of the application will be modified from R-4 and C zoning to strictly C - single family uses.
- B) Regarding commercial "Building B", (please see attached) it will be restricted to Neighbourhood Commercial rather than General Commercial. This will coincide with the intent of the Falkirk East Neighbourhood Plan.
- C) Regarding commercial "Building A", it will be limited to Professional/Medical office type uses ie. medical clinics, x-ray facilities, pharmacies, labs and other accessory use. In addition the proposed professional building will be limited to a maximum height of 11 metres.
- D) The road pattern as proposed by the draft plan of subdivision was supported.

Accordingly please present this application before the next Committee meeting. If you have any additional questions and or concerns please contact the undersigned at your available convenience.

Yours truly,
Planning Initiatives Ltd.

A handwritten signature in dark ink, appearing to read 'Sergio Manchia', written over the typed name.

Sergio Manchia, B.A.
Planner

cc: Alderman Don Ross
Alderman Frank D'Amico
Mr. Paul Mallard - Planning & Development Department

Dominic Agostino

Alderman Ward 5 - Regional Councillor



4.

Health & Social Services
Committee
-Chairman

Hamilton Farmer's Market
Subcommittee
-Chairman

Visible Minorities
Representation
Subcommittee
-Chairman

Day Care Task Force
-Chairman

School Child Nutrition
Task Force
-Chairman

Roomers & Boarders
Task Force
-Chairman

Employee Suggestion
Subcommittee
-Chairman

Hamilton Parking Authority
Committee
Vice-Chairman

Parks & Recreation
Committee

Economic Development
Committee

Airport Management
Board

CFL Hall of Fame
Committee

Status of Women
Subcommittee

Regional Audit
Committee

Hamilton Civic Hospitals
Board

Art Gallery of Hamilton
Board

Pre-Hospital Quality
of Care
Committee

1994 February 2

Ms. T. Agnello, Secretary,
Planning & Development

Dear Ms. Agnello:

Please find enclosed a copy of a letter regarding Mr. & Mrs. Rizzo, 123
Market Street.

I would appreciate this being placed on the next agenda for the Planning and
Development Committee meeting. If further information is required, this can
be obtained from Mr. B. Allick, Building Department.

Thank you for your kind attention to this matter.

Your Alderman,

**DOMINIC AGOSTINO, ALDERMAN,
WARD 5**

DA:tb

c.c. Mr. B. Allick, Building Department
V. Agro, Alderman, Ward 2
Ms. A. Almonte, 104 National Drive, Hamilton, Ontario, L8G 5B3





City of
HAMILTON

BUILDING DEPARTMENT

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4652 / Fax (905) 546-2764

Attention of: Brian D. Allick

1994 January 25

Alderman D. Agostino
Alderman, Ward 5
Aldermen's Office
City of Hamilton

Dear Alderman Agostino:

Re: 123 MARKET STREET

In response to your request for information regarding Mr. and Mrs. Rizzo's involvement with this Department, please be advised as follows:

There is no provision or authorities for staff to waive fees when work is carried out pursuant to the authorities contained in By-Law 84-35.

As indicated in my letter of January 5th, 1994, these costs are added to the tax rolls and are in fact collected in a like manner as taxes.

If you are desirous of having this certificate removed, I can only suggest that the matter be brought up by yourself to the Planning and Development Committee for their consideration and subsequent direction.

This would appear the only resolution to your concerns.

Trusting this information is of some assistance to you.

Yours very truly,

Brian D. Allick
Manager of Field Services

BDA/sb
c.c. Alderman V. Agro, Alderman, Ward 2



Dominic Agostino

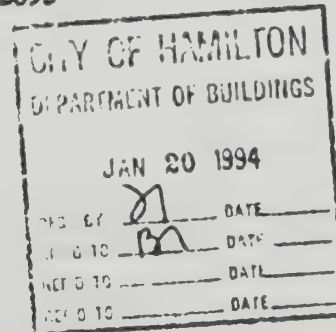
Alderman — Ward 5
Regional Councillor

City Hall, 71 Main Street West
Hamilton, Ontario L8N 3T4
Tel. 546-2730 • Res. 574-0179
Fax 546-2095



1994 January 18

Mr. B. Allick,
Building Department




Dear Brian:

Further to your memo of January 5, regarding 123 Market Street, I have been in contact with Ms. Angie Almonte, daughter of Mr. & Mrs. Rizzo, 123 Market Street. The Rizzo's are an elderly couple who are both ill and unable to do any work of a physical nature. Most of the work around the house is done by their grown children.

As you can see within a week of the Order to Comply part of the work was done however, due to time limitations they were going to come back to do the side yard. However, another order was issued to have the grass cut. This couple cannot afford to pay the \$209.28 bill and believe certainly by part of the work being done they very clearly showed intent.

I would appreciate it if you would consider waiving this fee or, let me know the process we could go through to have this done.

Yours sincerely,


DOMINIC AGOSTINO, ALDERMAN,
WARD 5

DA:tb

c.c. V. Agro, Alderman,
Ward 2



City of
HAMILTON

BUILDING DEPARTMENT

71 Main Street West, Hamilton, Ontario L8N 3T4
Telephone (905) 546-3123 / Fax (905) 546-2754

FILE:

ATTENTION OF: D. Inglis

TELEPHONE NO: (905) 546-4681

January 5, 1994

JAN 18 1994

Alderman D. Agostino
Aldermen's Office
City Hall

Dear Alderman Agostino:

Re: 123 Market Street, HAMILTON.

In response to your request for information concerning the City's action on the above-noted property received via Doug Lobo of the Public Works Department, please be advised as follows.

On September 7, 1993, the Building Department received a complaint about long grass and weeds at 123 Market Street. An inspection was completed on September 8, 1993 and the Inspector found the grass on the front lawn to be up to twelve inches (12") high, two to three feet (2' - 3') high in the east yard and three to four feet (3' - 4') high in the rear yard. Therefore an Order to Comply was issued to the owner of the property pursuant to By-Law 84-35 which requires grass to be kept cut and neat. The Order was issued on the site and a copy was posted on the front door of the dwelling. The Order required seven (7) days for compliance and stated that if the work was not completed within the required time that the grass and weeds would be cut and the costs placed on the taxes.

A re-inspection of the property was completed on September 16, 1993 and it was found that the front yard had been cut but no action was completed on the side yard or the rear yard.

Due to non-compliance with the Order, a request was sent to the Property Department on September 21, 1993 to have the City's contractor cut the long grass and weeds.

The grass and weeds were subsequently cut by the City's contractor and charges were forwarded to the Building Department for the work.

On October 13, 1993, this Department forwarded costs of \$204.18 to the Treasury Department for attachment to the taxes for this work.

A copy of the Order to Comply along with the Affidavit of Service is attached for your convenience.

Trusting the above information will be of assistance to you.

Yours very truly


Brian D. Allick
Manager of Field Services

DJI/sib
Encl. (2)

c.c.: Doug Duncan
Department of Public Works



22



Dominic Agostino

Alderman — Ward 5
Regional Councillor

City Hall, 71 Main Street West
Hamilton, Ontario L8N 3T4
Tel. 546-2730 • Res. 574-0179
Fax 546-2095



1993 December 22

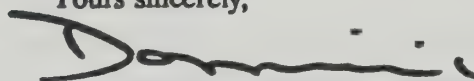
Mr. D. Lobo, Director,
Public Works

Dear Doug:

I have received a call from Ms. A. Almonte, 104 National Drive, who is calling on behalf of her parents who reside at 123 Market Street. They are an elderly couple who received a notice in their tax bill with an additional charge of \$209.28 in regards to some grass cutting which the City did on their property.

I would appreciate receiving the background material and a copy of the notice they have been issued so I may follow this up for them.

Yours sincerely,


DOMINIC AGOSTINO, ALDERMAN,
WARD 5

DA:tb

c.c. Mr. & Mrs. Rizzo
123 Market
Hamilton, Ontario
L8R 1N7

| | | |
|---------------------|--------------|--------------|
| FILE No. 93-1032-05 | | |
| DEPT. PUBLIC WORKS | | |
| DEC 28 1993 | | |
| | INFO ONLY | REPT REQ. |
| MA | | |
| MS | | |
| MP | | |
| MC | | |
| MT | | |
| CC | | |
| CH | | |
| PM | | |
| SH | | |
| MC | | |
| PC | | |
| ST | | |
| SL | | |

123 Market St - Dist. 1
02-01230-6360

cc: Dist 3
cc: H. Berberick

THE CHARGE IS NOT FROM PUBLIC WORKS CHECKED 91-92-93
HAVE SENT COPY TO JOHN SPOLNIK BUILDING DEPT FOR THEM
TO CHECK IF THEY GAVE OUT AN ORDER TO COMPLY AND RESPOND TO
IT OR NOT

5.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 February 21
ZA-88-98
ZA-89-94
ZA-89-113
ZA-90-05
ZA-91-54
ZA-91-64
ZA-91-66

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

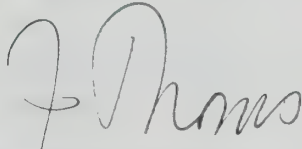
SUBJECT: Outstanding Official Plan Amendment and Rezoning
Applications

RECOMMENDATION:

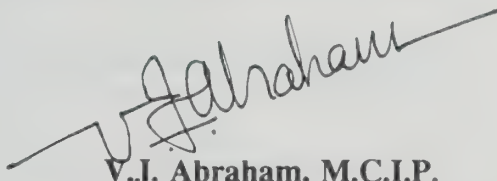
- i) That the following Council resolutions be repealed in their entirety:
 - a) Section 20 of the Twenty-Eighth Report of the Planning and Development Committee for 1989, respecting Official Plan Amendment and Zoning Application 88-98, Cupido Realty and Insurance Limited, prospective owner, for a change in zoning from "K" (Heavy Industry, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, to permit development for apartments and townhouses, for lands located at Nos. 263, 265, 267, 269, 271 and 279 Bay Street North, 107 Stuart Street and 36 Tiffany Street;
 - b) Section 13 of the First Report of the Planning and Development Committee for 1990, respecting Official Plan Amendment No. 84 and Zoning Application ZA-89-94, J. and E. Spenuk, owners, for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, to permit development for a commercial plaza, for lands located at No. 820 Rymal Road East;

- c) Section 17 of the Thirteenth Report of the Planning and Development Committee for 1991, respecting Official Plan Amendment No. 103 and Zoning Application 89-113, 546544 Ontario Inc. (J. Sulug, President), owner, for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District, to permit parking in conjunction with an adjacent commercial use, for lands located on the south side of Strawberry Drive and east of Lake Avenue;
 - d) Section 17 of the Eighth Report of the Planning and Development Committee for 1990, respecting Zoning Application 90-05, Beckville Holdings Ltd., prospective owner, to permit a high density mixed commercial/residential development, for lands located in the block bounded by Main Street West, Caroline Street South, George Street and Hess Street South;
 - e) Section 13 of the Tenth Report of the Planning and Development Committee for 1992, respecting Zoning Application 91-54, A. Dabner and D. Hill, owners, for a modification to the "K" (Heavy Industry, etc.) District regulations, to permit an established two-family dwelling, for lands located at No. 276 Sanford Avenue North;
 - f) Section 2 of the Third Report of the Planning and Development Committee for 1992, respecting Zoning Application 91-64, Canadian Japanese Cultural Centre at Onteora, prospective owner, for a modification to the "M-14" (Prestige Industrial) District regulations, to permit a cultural centre, for lands located at No. 95 Unsworth Drive; and,
 - g) Section 11 of the Second Report of the Planning and Development Committee for 1992, respecting Official Plan Amendment No. 105 and Zoning Application 91-66, J. Beume Real Estate Ltd., prospective owner, for a modification to the "L-mr-2" (Planned Development - Multiple Residential) District regulations, to permit general offices within the existing building, for lands located at No. 121 Augusta Street.
- ii) That the City Solicitor be directed to prepare a By-law to repeal By-laws Nos. 90-168 (Official Plan Amendment No. 84), 91-186 (Official Plan Amendment No. 103) and 92-055 (Official Plan Amendment No. 105), for presentation to City Council.

- iii) That the City Clerk be directed to notify the Region of Hamilton-Wentworth respecting the above.



J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Frequently, Official Plan Amendment/rezoning applications are approved by Council, subject to the completion of certain conditions (ie. Site Plan approval, land assembly, etc.). When an adequate period of time has passed and the conditions have not been fulfilled, the Planning and Development Department sends routine "reminder" letters to the applicants. However, there are several applications that have remained inactive for long periods of time. These Official Plan Amendment and/or rezoning applications were approved in principle by Council, between 1989 and 1992, and are detailed by APPENDIX "A".

COMMENT:

Three of the outstanding Zoning Applications involve Official Plan Amendments (Official Plan Amendments Nos. 84, 103, and 105, see APPENDIX "A"). The City has adopted these O.P.A.s by By-law and submitted them to the Region of Hamilton-Wentworth for final approval. However, the Region routinely holds the O.P.A.s in abeyance pending completion of all conditions. Consequently, if the rezoning approvals are repealed, the associated O.P.A.s should also be repealed and the Region should be notified accordingly.

CONCLUSION

Based on the foregoing, Council approvals of the following Official Plan Amendments and rezonings should be repealed:

- Draft Official Plan Amendment and Zoning Application 88-98, respecting lands located at Nos. 263, 265, 267, 269, 271 and 279 Bay Street North, 107 Stuart Street and 36 Tiffany Street;

- Official Plan Amendment No. 84 and Zoning Application ZA-89-94, respecting lands located at No. 820 Rymal Road East;
- Official Plan Amendment No. 103 and Zoning Application 89-113, respecting lands located on the south side of Strawberry Drive and east of Lake Avenue;
- Zoning Application 90-05, respecting lands located in the block bounded by Main Street West, Caroline Street South, George Street and Hess Street South;
- Zoning Application 91-54, respecting lands located at No. 276 Sanford Avenue North;
- Zoning Application 91-64, respecting lands located at No. 95 Unsworth Drive; and,
- Official Plan Amendment No. 105 and Zoning Application 91-66, respecting lands located at No. 121 Augusta Street.

CL-M

LIST OF OUTSTANDING ZONING APPLICATIONS TO BE REPEALED

| <u>Application Number</u> | <u>Applicant</u> | <u>Official Plan Amendment</u> | <u>Location</u> | <u>Proposed Change In Zoning</u> | <u>Status of Conditions of Approval</u> |
|---------------------------|---|--------------------------------|---|--|---|
| ZA-88-98 | Cupido Realty & Insurance Ltd., prospective owner | Draft O.P.A. | 263, 265, 267, 269, 271 & 279 Bay St. N., 107 Stuart St. & 36 Tiffany St. | "K" (Heavy Industry, etc.) to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to allow apartments and townhouses. | Pending a noise impact study and soil decommissioning plan. |
| ZA-89-94 | J. & E. Spenuk, owners | O.P.A. 84 | 820 Rymal Rd. E. | "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc. District, to allow a commercial plaza. | Pending satisfactory resolution respecting the disposition of an adjoining remnant parcel of land. |
| ZA-89-113 | 546544 Ont. Inc. (J. Sulug, President), owner | O.P.A. 103 | South of Strawberry Dr., east of Lake Ave | "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District, to allow parking for adjacent commercial use. | Pending Site Plan approval and payment of outstanding servicing costs. |
| ZA-90-05 | Beckville Holdings, Prospective owner | N/A | Lands bounded by Main St. W., Caroline St. S., George St. & Hess St. S. | "E-3" (High Density Multiple Dwellings) District to "HI" (Civic Centre Protected) District, modified to permit a high density mixed commercial/residential building. | Pending completion of Site Plan application DA-90-77. However, DA-90-77 has been closed due to inaction on the part of the applicant. |

| <u>Application Number</u> | <u>Applicant</u> | <u>Official Plan Amendment</u> | <u>Location</u> | <u>Proposed Change In Zoning</u> | <u>Status of Conditions of Approval</u> |
|---------------------------|--|--------------------------------|---------------------|--|---|
| ZA-91-54 | A. Dabner & D. Hill, owners | N/A | 276 Sanford Ave. N. | Modification to "K" (Heavy Industry, etc.) District regulations to permit a two-family dwelling. | Pending acquisition of adjacent alleyway lands to provide parking. However, the alleyway closure was repealed due to inaction on the part of the applicant. |
| ZA-91-64 | Canadian Japanese Cultural Centre, prospective owner | N/A | 95 Unsworth Dr. | Modification to "M-14" (Prestige Industrial) District regulations to permit a cultural centre. | Pending completion of Site Plan application DA-91-64. However, DA-91-64 has been withdrawn by the applicant and the cultural centre has located elsewhere. |
| ZA-91-66 | J. Beume Real Estate Ltd., prospective owner | O.P.A. 105 | 121 Augusta St. | Modification to the "L-mr-2" (Planned Development - Multiple Residential) District regulations to permit offices within the existing building. | Pending completion of Site Plan application DA-92-11 and encroachment agreement. However, DA-92-11 has been withdrawn by the applicant. |

6.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 February 22
4489

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

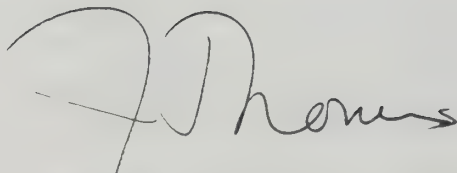
SUBJECT: A New Approach to Land Use Planning in Ontario - City
of Hamilton Comments

RECOMMENDATION:

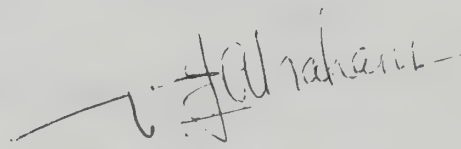
That the City Clerk be directed to forward the following recommendations in response to the Provincial Consultation Paper "A New Approach to Land Use Planning in Ontario", and a copy of this report to the Minister of Municipal Affairs and Hamilton-Wentworth Region:

1. *Give municipalities adequate details of the streamlining initiatives, including any proposed legislative changes, and an opportunity to respond thereto, **prior** to their implementation.*
2. *Clarify whether guidelines will be prepared for some or all of the proposed Policy Statements and, if so, identify those that will have guidelines.*
3. *Consider the following with respect to the use of "shall be consistent with" in the Planning Act:*
 - a) *it may reduce the flexibility of some of the policies;*
 - b) *clarification is required as to whether municipal policies can be more restrictive than the proposed Policy Statements; and,*

- c) *clarification is required as to whether the province will deem matters consistent with provincial policies to be of provincial interest and, therefore allow appeals to Cabinet.*
- 4. *The proposed Natural Heritage, Environmental Protection and Hazard Policies should include:*
 - a) *a clear, geographical definition of the "significant" ravines, rivers, streams, woodlots and natural corridors; and,*
 - b) *separate policies for natural hazard lands and man-made hazard lands.*
- 5. *The City of Hamilton supports the proposed Community Development and Infrastructure Policies.*
- 6. *The proposed Housing Policies should include a justification for the 5% increase in the proportion of affordable housing.*
- 7. *The City of Hamilton supports the proposed Conservation Policies.*
- 8. *In the proposed Implementation and Interpretation Policies, the following be considered:*
 - a) *a clear identification is needed as to who and how conflicts between Policy Statements will be resolved;*
 - b) *definitions of "significant" as it applies to the Natural Heritage, etc. policies, and "municipal plan" are required;*
 - c) *a provision should be introduced for allowing planning decisions to be made based on policies applying at the time of the application; and,*
 - d) *clarification is needed that the Policy Statements do not have to be adopted by a municipality or incorporated word for word in to their Official Plans.*



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



Victor J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

The Minister of Municipal Affairs recently announced a number of changes to the planning and development system in the Province which are intended to **streamline** the planning process by: speeding up the approvals process; providing more protection for the environment; and, giving more local control over development to municipalities. Along with the announcement of these proposed changes, the Ministry has developed a set of proposed **Policy Statements** that set out overall goals and policies for the province's land use planning system.

Both these initiatives are proposed in response to the Commission on Planning and Development Reform, headed by John Sewell, which was set up to review and make recommendations on planning reform by the Government in 1991. City Council submitted comments in response to several draft proposals put forward by the Sewell Commission. In June 1993, the Sewell Commission submitted its final report to the Province.

REPORT:**Streamlining Initiatives**

The package of proposals put forward by the Province are intended to streamline the planning system. These include:

- specific time frames for decisions;
- appeals made directly to the Ontario Municipal Board once a decision is made by the province or municipality, or the time has expired;
- minor variances will no longer be appealed to the Ontario Municipal Board;
- the Ministry of Municipal Affairs will be given the lead role in planning and will co-ordinate the planning functions of different ministries; and,
- planning boards will be expanded in Northern Ontario on a voluntary basis.

No details with respect to specific changes to the existing legislation have been identified. Furthermore, there appears to be no linkage between the proposed Policy Statements and the streamlining initiatives. More proposed changes are expected to be announced in the Spring.

Without knowing more details on these streamlining initiatives, it is impossible to comment on them at this time. Further, it is unknown what the province's position is on the many other recommendations made by the Sewell Commission. In this regard, it appears the province is taking a piecemeal approach rather than a more comprehensive approach without allowing municipalities a look at the big picture. On this basis, the province should be requested to:

give municipalities adequate details of the streamlining initiatives, including any proposed legislative changes, and an opportunity to respond thereto, prior to their implementation.

Proposed Policy Statements

The following proposed Policy Statements (based on the Sewell Commission's recommendations) have been released for public comment within a 90 day time frame beginning immediately:

- Natural Heritage, Environmental Protection and Hazard Policies;
- Community Development and Infrastructure Policies;
- Housing Policies;
- Agricultural Land Policies;
- Conservation Policies;
- Mineral and Petroleum Resource Policies; and,
- Interpretation and Implementation Policies.

The Province has requested comments on the proposed Policy Statements by March 14, 1994 (see APPENDIX "A" attached). Specifically, the Province is requesting comments on the "details" of the proposed Policy Statements, and the use of the term "shall be consistent with" as the new standard for implementing the policy statements, instead of the present "shall have regard to" standard stated in the Planning Act.

General Comments

No implementation guidelines for the proposed Policy Statements have been put forward at this time. It is the Province's position that "The comprehensive policy statements are intended to be sufficiently detailed to clearly set out the provincial policy interests in land use decisions while allowing innovative and practical local implementation." It is felt that "there may not be the need to for detailed implementation guidelines for all the policies". However, in the Policy Statement on Interpretation and Implementation, it states that "The Ministry of Municipal Affairs, together with other ministries, and in consultation with the public, may prepare guidelines to assist planning jurisdictions in implementing policy statements. Implementation guidelines will interpret but will not derogate from policy." On this basis, the province should be requested to:

clarify whether guidelines will be prepared for some or all of the proposed Policy Statements and, if so, identify those that will have guidelines.

The proposed Policy Statements do not include the existing Policy Statements (ie. Wetlands, Flood Plain Planning, and Mineral Aggregate Resources). As such, the package municipalities are being asked to comment on is incomplete. The Province advises that "These policy statements will be summarized and included in the final set of policy statements which is sent to Cabinet for consideration at the end of the consultation period." This raises the question as to whether these "summarized" policy statements will become official?

Shall Be Consistent With

The Province is seeking comment on revising Section 3(5) of the Planning Act to require local planning authorities' decisions which "shall be consistent with" Provincial policy statements passed under this Section of the Act. At present, the legislation states that local planning decisions "shall have regard to" provincial policy. The province feels that "shall be consistent with" is a stronger mechanism for implementing the Policy Statements. The proposed standard would require planning authorities to make planning decisions in a manner that **implements** the stated goals and objectives of the applicable provincial Policy Statements consistent with the spirit of the government's policy direction. It is also felt this approach should be flexible enough to apply the Policy Statements to a variety of local circumstances, and in ways that are practical and innovative, as long as the stated end result of the applicable policy statement is met.

In the province's view, the proposed "shall be consistent with" ensures that local policy address the policy statements in some manner whereas, "shall have regard to" did not.

This approach raises a number of concerns:

- the flexibility of the policies is unclear. On one hand, "shall be consistent with" reinforces the more rigid nature of the provincial policies. The province feels there would be limited flexibility and notes conflicts between the Policy Statements can be resolved through the formulation of municipal plans. On the other hand, the province advises that planning decisions should reflect local circumstances within the spirit of the government's policy direction. In this regard, it appears to say that "shall be consistent with" means "shall conform with the intent of the Provincial Policies". It appears the Goals need further elaboration and clarification;
- it should be made clear as to whether municipal policies can be more restrictive and still be considered to "be consistent with"; and,
- under the current Planning Act, matters may be designated of provincial interest prior to an Ontario Municipal Board hearing. These matters can be appealed to Cabinet. It is not clear whether the Province will deem matters consistent with provincial policies to be of provincial interest and, therefore allow appeals to Cabinet.

Based on the foregoing, and in response for the request for comments on amending Section 3(5) of the Planning Act, the province should be advised that:

- *such a change may reduce the flexibility of some of the policies;*
- *clarification is required as to whether municipal policies can be more restrictive than the proposed Policy Statements; and,*
- *clarification is required as to whether the province will deem matters consistent with provincial policies to be of provincial interest and, therefore allow appeals to Cabinet.*

Specific Comments

The proposed Policy Statements on Agricultural Land, and Mineral and Petroleum Resources are not applicable to the City of Hamilton.

Natural Heritage, Environmental Protection and Hazard Policies

The proposed policies deal with environmentally sensitive features that should be protected from development, including woodlots, ravines, natural heritage features and systems, and fish habitats. Further, some areas are not suitable for development because site conditions may be hazardous to public health and safety, or property damage may

occur. Included are policies on the Great Lakes and St. Lawrence River shoreline, erosion, and hazardous or contaminated sites.

It appears the province is now recognizing there has been environmental damage that has occurred in the past and that it is important to reverse such damage through remediation and restoration. This is an improvement over past initiatives.

The use of the word "significant" to describe ravines, rivers, streams, woodlots and natural corridors is unclear, notwithstanding a definition of "significant", along with other terms, at the end of the Policy Statements. If a municipality is to identify these geographically in their planning instruments, then these areas must be more clearly defined.

For the purpose of the Policy Statement, natural hazard lands and man-made hazard lands (contaminated sites) should be separated for clarity, and perhaps could be subject of a separate Policy Statement.

Based on the foregoing, the province should be advised that:

The proposed Natural Heritage, Environmental Protection and Hazard Policies should include:

- *a clear, geographical definition of the "significant" ravines, rivers, streams, woodlots and natural corridors; and,*
- *separate policies for natural hazard lands and man-made hazard lands.*

Community Development and Infrastructure Policies

These proposed policies are related to various aspects of community development including: transportation and infrastructure; growth and settlement; development in unorganized areas; and natural cultural features. Policies have also been included on social planning and economic development.

These policies are intended to manage growth and make efficient use of land, infrastructure and so on. Many of the proposed policies relate to containing urban sprawl and protecting development from encroaching into the rural areas.

There is however, a policy regarding land use separation between residential and related uses from potentially noxious uses such as industry, transportation and utilities and related uses. It is noted that this proposed policy appears to be less rigid than the Ministry of the

Environment and Energy's Guidelines on "Separation Distance between Industrial Facilities and Sensitive Land Uses". This will allow a municipality more flexibility in determining compatible land uses.

Based on the foregoing, the province should be advised that:

The City of Hamilton supports the proposed Community Development and Infrastructure Policies.

Housing Policies

These proposed policies deal with planning for affordable housing and will replace the current "Land Use Planning for Housing Policy Statement" presently in effect. It is proposed that municipalities must provide for 30% affordable housing, an increase of 5% over the present requirement of 25%. In cases where the housing market area is larger than the municipality, some municipalities will work together.

One major change over the existing policy is the increase in the proportion of affordable housing from 25% to 30%. No justification is given for this increase.

The Policy Statement proposes requiring 15% of the housing stock to be made affordable for the lowest 30% of the household income distribution. If this is the case, then only the non-profit sector will be able to build these units, by taking advantage of the provincial allocations. In this regard, the province should maintain allocations to meet this requirement.

Based on the foregoing, the province should be advised that:

The proposed Housing Policies should include a justification for the 5% increase in the proportion of affordable housing.

Conservation Policies

The proposed conservation policies promote the efficient consumption of energy and water, through appropriate land use planning. The issues of working toward waste reduction and developing efficient transportation systems are also included.

One of the proposed policies promotes water and energy conservation and waste minimization through reduction, reuse and recycling. There are questions of how far these items can be taken with site plan control, and whether additional legislation is needed.

Based on the foregoing, the province should be advised that:

The City of Hamilton supports the proposed Conservation Policies.

Interpretation and Implementation Policies

These identify that the policies are to be issued under Section 3 of the Planning Act. It is noted that this Section of the Act will be amended to change "shall have regard to" to "shall be consistent with" as noted previously. This section establishes a number of principles to be used to implement the provincial policies, as well as a "Definitions" section.

It is noted the Policy Statements are not intended to supersede or take priority over any other Policy Statement. Conflicts between policies are intended to be resolved through the "clear meaning of the words". If this cannot be done then the remaining conflicts will be resolved in municipal plans. Notwithstanding the province's intent, it appears there is a need to "rank" the Policy Statements. On this basis, the province should clearly identify who and how conflicts between Policy Statements will be resolved.

The inclusion of a "Definitions" section is welcome as it will remove ambiguity from policy interpretation. There are however, two exceptions:

- **significant** - As noted under the proposed Natural Heritage, etc. policy, this definition is too broad and needs to be related to "provincial significance" or something similar; and,
- **municipal plan** - This term is used throughout the proposed Policy Statements but it is not defined. Does it mean an "official plan"?

The proposed Policy Statements will apply to all development applications made but not approved. It is stated that all planning jurisdictions must make their best efforts to achieve the policies once they are approved. Bonfide applicants may face new rules before a final planning decision is made. In this regard, a provision should be introduced for allowing planning decisions to be made based on policies applying at the time of the application.

It should also be made clear that municipalities are not required to adopt the Policy Statements or to incorporate them word for word in Official Plans. The Policy Statements can be integrated through the use of principles or by reference.

Based on the foregoing, the province should be advised that:

- *a clear identification is needed as to who and how conflicts between Policy Statements will be resolved;*

- *definitions of "significant" as it applies to the Natural Heritage, etc. policies, and "municipal plan" are required;*
- *a provision should be introduced for allowing planning decisions to be made based on policies applying at the time of the application; and,*
- *clarification is needed that the Policy Statements do not have to be adopted by a municipality or incorporated word for word in to their Official Plans.*

CONCLUSION:

The draft Policy Statements incorporate some of the final recommendations of the Commission on Planning and Development Reform in Ontario (Sewell Commission). The Policy Statements, in conjunction with other provincial initiatives, will have important implications regarding urban form, planning and protection of the environment. In this regard, it is important for the City to respond to the province on their proposals. As such, it is recommended that the province:

1. *Give municipalities adequate details of the streamlining initiatives, including any proposed legislative changes, and an opportunity to respond thereto, **prior** to their implementation.*
2. *Clarify whether guidelines will be prepared for some or all of the proposed Policy Statements and, if so, identify those that will have guidelines.*
3. *Consider the following with respect to the use of "shall be consistent with" in the Planning Act:*
 - a) *it may reduce the flexibility of some of the policies;*
 - b) *clarification is required as to whether municipal policies can be more restrictive than the proposed Policy Statements; and,*
 - c) *clarification is required as to whether the province will deem matters consistent with provincial policies to be of provincial interest and, therefore allow appeals to Cabinet.*
4. *The proposed Natural Heritage, Environmental Protection and Hazard Policies should include:*

- a) *a clear, geographical definition of the "significant" ravines, rivers, streams, woodlots and natural corridors; and,*
- b) *separate policies for natural hazard lands and man-made hazard lands.*
- 5. *The City of Hamilton supports the proposed Community Development and Infrastructure Policies.*
- 6. *The proposed Housing Policies should include a justification for the 5% increase in the proportion of affordable housing.*
- 7. *The City of Hamilton supports the proposed Conservation Policies.*
- 8. *In the proposed Implementation and Interpretation Policies, the following be considered:*
 - a) *a clear identification is needed as to who and how conflicts between Policy Statements will be resolved;*
 - b) *definitions of "significant" as it applies to the Natural Heritage, etc. policies, and "municipal plan" are required;*
 - c) *a provision should be introduced for allowing planning decisions to be made based on policies applying at the time of the application; and,*
 - d) *clarification is needed that the Policy Statements do not have to be adopted by a municipality or incorporated word for word in to their Official Plans.*

7.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 February 18

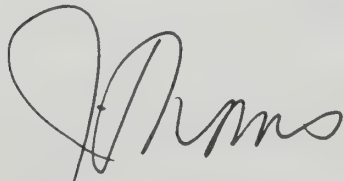
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development


SUBJECT: 1994 Work Program - Local Planning Branch of the
Planning and Development Department

RECOMMENDATION:

That the Planning and Development Committee endorse the 1994 Work Program of the Local Planning Branch of the Planning and Development Department.



J.D Thoms, M.C.I.P.
Commissioner
Planning and Development



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The 1994 Work Program includes two groups: i) the Policy and Neighbourhood Planning Division and ii) Development and Urban Design Division including the Heritage Planning Group.

The 1994 Work Program (Planning Section) is divided into three Sections :

- projects that are required or legislated (i.e. OMB Hearings, Zoning Applications, Official Plan Amendments, etc.);
- Priority "A" projects have been given the highest priority (i.e. Special Purpose Committees, on-going projects from 1992, etc.); and,
- Priority "B" projects would be completed once the Priority "A" projects are completed (i.e. additional Neighbourhood Plan reviews, Official Plan Commercial Policy Review, etc.) and if appropriate staff time is available.

The Work Program for the Heritage Planning Group is divided into three Sections:

- projects that are required or legislated (i.e. Heritage Conservation Districts, Designations, etc.);
- Priority "A" projects have been given the highest priority (i.e. Special Purpose Committees, Inventory of Architecturally and Historically Significant Buildings, etc.); and,
- Priority "B" projects are identified for completion in the longer term.

The number of projects is based on the existing staff complement of 15 planners and 3 heritage planners. Any change in this complement will require a reassessment of the projects to be undertaken in 1994. Alternatively, any additional projects will require either additional staff or a change in work priorities.

The Work Program is submitted to members of the Planning and Development Committee under separate cover.

JHE

8.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 February 16
E205-06

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: E. M. Gill, P. Eng.
Senior Director, Roads Department

V. J. Abraham, M.C.I.P.
Director of Local Planning

SUBJECT: Implementation Procedures for Securities with
Respect to Site Plan Control Applications

RECOMMENDATION:

That City Council endorse the procedures developed by staff to require securities in conjunction with Site Plan approvals and that,

- A. The following be adopted and included in the City's Site Plan Agreements to implement Council's May 11, 1993 decision requiring security in conjunction with the approval of Site Plans to ensure that the required exterior works (such as access lanes, parking areas, fences and landscaping, etc.) are constructed and are in accordance with the approved Site Plans.
- (i) The owner shall provide cost estimates of the required exterior works prepared by a qualified architect, landscape architect or professional engineer satisfactory to the Commissioner of Transportation/Environmental Services;
 - (ii) The owner shall provide the City with financial security for 100% of the estimated cost of the exterior works required by the approved Site Plans [exclusive of the building(s)];

- (iii) The owner shall provide such security in the form of cash or an irrevocable Letter of Credit satisfactory to the City Treasurer and prior to the City's execution of the Site Plan Agreement. The security, if necessary, shall be used to complete and/or rectify works in accordance with the approved site plans and restore adjacent municipal property damaged during construction. Costs in excess of the security held shall be paid by the owner and, if necessary, added to the tax roll for recovery in the same manner as taxes;
- (iv) Notwithstanding items (ii) and (iii) above, City Council may exempt projects being carried out by government (Federal, Provincial and Municipal), as well as School Boards projects, from providing securities;
- (v) The exterior works required by the Site Plans shall be completed by the owner within three months of first occupancy, prior to the use of the land in connection with any licence that has been issued or is to be issued and used in relation to the land, or within twelve months of commencement of construction, including buildings, whichever is earlier. A request in writing for an extension to this time limit may be requested from the Building Commissioner prior to the expiry date;
- (vi) The owner shall grant an Easement to the City free and clear of encumbrances, to permit the City or its agent to enter the property to complete and/or rectify exterior works required by the Site Plans. The Easement in favour of the City and the Site Plan Agreement shall be prepared by the owner's lawyer in a form satisfactory to the City Solicitor. The owner's lawyer shall certify to the City in a form satisfactory to the City Solicitor, that the Site Plan Agreement and the Easement have been entered into by the registered owner of the land and that the Easement has been registered by the owner's lawyer free and clear of encumbrances;
- (vii) Generally, Site Plan Agreements will not be required to be registered on title. (the Building Department, Planning Department and Roads Department are of the opinion that the combined requirements of securities and a registered Easement in favour of the City will be sufficient to ensure that exterior works are completed according to approved site plans without site plan registration on title.) The City always has the right to require registration of Site Plan Agreements on a site by site basis where circumstances warrant;

(viii) A Building Permit shall be issued only after

- security has been received by the City Treasurer
- a lawyer's Certificate has been received confirming execution of the Site Plan Agreement and registration of the Easement;
- the other usual requirements for the permit are fulfilled;

(ix) Security will be retained by the City until all of the works and facilities required in the Site Plan Agreement are completed -- notwithstanding any interim sale of the land;

(x) Where the Building Commissioner is satisfied with,

- (i) a professional Engineer's certificate that the grading and retaining walls shown on a Site Plan Agreement have been completed; and
- (ii) a professional Engineer's, Architect's or Landscape Architect's Certificate that the balance of the required exterior works have been completed, then:
 - (a) a discharge of the City's Easement and a discharge of the Site Plan Agreement (if registered), prepared by the owner's lawyer may be executed by the City for the owner to register;
 - (b) the Site Plan Agreement is deemed discharged by the City and the Building Commissioner may request the City Treasurer to release, without interest, the security to the current owner (provided that the owner's lawyer certifies that the owner requesting the refund is the current owner); and
 - (c) the owner of the land has no further obligations to the City under the Site Plan Agreement.

B. That the current procedure of an owner signing undertakings on Site Plans be replaced with the above requirement that the approved plans be attached to a Site Plan Agreement signed by the owner and the City.

- C. That for large projects, to be constructed over a period of time, staff be authorized to identify independent geographic phases (if any) of a development and allocate security required for each phase, provided that such a phase can exist independently or in conjunction with previous or concurrently completed phases. The owner must provide satisfactory security prior to obtaining a building permit for any subsequent phase.

The individual phases of such a development will be treated as if each phase were a separate site plan. Each phase would have to include all works and facilities such that it could exist if no other phases of the development proceeded. The securities for a phase could then be returned independent of other phases. It is recommended that each phased development be dealt with on a site by site basis.

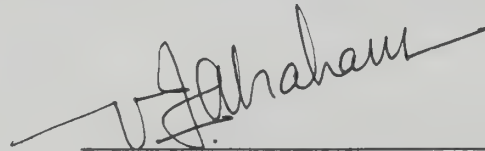
BACKGROUND:

At its meeting of May 11, 1993, Council authorized that securities be required with Site Plan Agreements to ensure that exterior works required by the City (such as access lanes, parking areas, fences and landscaping, etc.) were built and completed in accordance with approved site plans. Staff from the Building, Transportation/Environmental Services, Planning, and Law Departments have implemented the above provisions and recommend that Committee and Council endorse same.

To avoid administrative complexity and on site inspections, it is also recommended above that securities not be released as separate aspects of the required exterior works are completed. The site plan security procedures recommended above are generally in keeping with the practices of other area municipalities.



E. M. Gill, P. Eng.
Senior Director, Roads Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

CAU/DAP

- c.c. P. Noé Johnson, City Solicitor
- c.c. A. C. Ross, City Treasurer
- c.c. L. C. King, Building Commissioner
- c.c. M. F. Main, Director of Traffic Services

9.

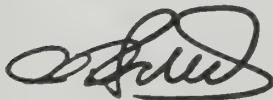
OFFICE OF THE CITY CLERK
MEMORANDUM

| | | | |
|----------|---|---------------------|------------------|
| TO: | Tina Agnello, Secretary Planning and Development Committee | YOUR FILE: | |
| FROM: | Mr. J. J. Schatz City Clerk Office of The City Clerk | OUR FILE: PHONE: | 546-2727 |
| SUBJECT: | Referral from the Committee of the Whole | DATE: | 1994 February 25 |

This is to advise that the Committee of the Whole, at its meeting held Thursday, 1994 February 24th, agreed to refer the Proposed Canada/Ontario Infrastructure Works Program to the Standing Committees of Council with the direction that each Committee review the projects under its jurisdiction and rank them in priority order.

While the Planning and Development Committee does not have projects listed in the Program; it may wish to consider whether there are needs which could be addressed with this Works Program. To assist the Committee, I am also attaching a copy of the Draft Provisional 1994-2003 Capital Budget Program.

Would you please ensure that this matter is placed before the next meeting of the Planning and Development Committee for its deliberation.



JJS/SKR
Attachments.

c.c.- Members of City Council

- Members, Management Team

1994-2003 PROVISIONAL CAPITAL BUDGET PROGRAM

DRAFT
Schedule No. "B"

PROJECTS BY YEAR ORDER WITH DEPARTMENT, SOURCE OF FINANCING & COSTS

(Thousands of Dollars)

DRAFT

| DESCRIPTION | PROJECT | | GROSS RECEIPTS | | NET FINANCING | | | | | | | | | | NATURE OF FUNDING | | ANNUAL DEBT CHARGES | | NOTES |
|-----------------------------------|---------|--------|----------------|---------|---------------|-------|------|------|------|------|------|------|------|------|-------------------|------|---|------|-------|
| | START | FINISH | COST | SUBSIDY | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | (18) | (19) | (20) | (21) | |
| | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) | | | | | |
| ing Authority): | | | | | | | | | | | | | | | | | | | |
| WATER REPLACEMENT EQUIPMENT | 1994 | 1994 | 139 | | 139 | | | | | | | | | | CL | | | | |
| P - LAND BANKING | 1994 | 1994 | 130 | | 130 | | | | | | | | | | CL | | (50) NEW | | |
| | 1994 | 1994 | 1,000 | 1,000 | | | | | | | | | | | | 0 | | | |
| FM | 1994 | 1994 | 50 | | 50 | | | | | | | | | | CL | | NEW | | |
| NGS | 1994 | 1998 | 1,000 | 500 | 500 | | | | | | | | | | DEB | 79 | | | |
| REVISIONS & NEW EQUIPMENT | 1994 | 1994 | 400 | | 400 | | | | | | | | | | DEB | 63 | | | |
| | 1994 | 1994 | 70 | | 70 | | | | | | | | | | CL | | | | |
| ROOF | 1994 | 1994 | 90 | | 90 | | | | | | | | | | CL | | | | |
| ROOF | 1994 | 1994 | 134 | | 134 | | | | | | | | | | CL | | | | |
| ROOF | 1994 | 1994 | 180 | | 180 | | | | | | | | | | CL | | | | |
| WATER REPLACEMENT | 1994 | 1994 | 150 | | 150 | | | | | | | | | | CL | | | | |
| WATER CONVERSION | 1994 | 1994 | 154 | | 154 | | | | | | | | | | CL | | | | |
| MENT | 1994 | 1994 | 205 | | 205 | | | | | | | | | | DEB | 32 | | | |
| ELECTRICAL RETROFIT | 1994 | 1994 | 125 | | 125 | | | | | | | | | | RCP | | | | |
| MENT | 1994 | 1994 | 100 | | 100 | | | | | | | | | | RCP | | | | |
| ING ENVELOPE REPAIRS | 1994 | 1994 | 65 | | 65 | | | | | | | | | | CL | | | | |
| ATION BUILDINGS | 1994 | 1994 | 250 | | 250 | | | | | | | | | | DEB | 39 | NEW | | |
| LY OWNED BUILDINGS (PILOT PROJECT | 1994 | 1994 | 394 | | 394 | | | | | | | | | | DEB | 62 | Cost reduced by \$50,000 for project No. 108 | | |
| | 1994 | 1994 | 300 | | 300 | | | | | | | | | | RCP | | \$99,000 available from Ham Handicapped Loan Prog | | |
| | 1994 | 1994 | 100 | | 100 | | | | | | | | | | CL | | | | |
| NSUBDIVIDED LANDS | 1994 | 1994 | 190 | | 190 | | | | | | | | | | RPP | | | | |
| FINUE SOUTH BRIDGE | 1994 | 1994 | 1,236 | | 1,236 | | | | | | | | | | RSTUL/RCP | | | | |
| | 1994 | 1994 | 397 | 99 | 298 | | | | | | | | | | DEB | 47 | (4) NEW | | |
| | 1994 | 1995 | 155 | 10 | 145 | | | | | | | | | | CL | | | | |
| | 1994 | 1994 | 60 | 15 | 45 | | | | | | | | | | RCP | | (14) | | |
| ITION PROGRAM - LOCAL ROADS | 1994 | 1994 | 7,015 | 1,754 | 5,261 | | | | | | | | | | DEB | 829 | | | |
| | 1994 | 1994 | 630 | 158 | 472 | | | | | | | | | | CL | | | | |
| ONSTRUCTION | 1994 | 1994 | 100 | | 100 | | | | | | | | | | CL | | NEW | | |
| | 1994 | 1994 | 50 | | 50 | | | | | | | | | | CL | | | | |
| IGN ETC. | 1994 | 1994 | 540 | | 540 | | | | | | | | | | DEB | 85 | | | |
| PMENT | 1994 | 1994 | 500 | | 500 | | | | | | | | | | DEB | 79 | | | |
| FACADES - DOVECOTE & STABLES | 1994 | 1994 | 100 | | 100 | | | | | | | | | | RPL | | 9 | | |
| | 1994 | 1995 | 2,726 | 1,000 | 1,726 | | | | | | | | | | DEB | 272 | NEW | | |
| | 1994 | 1995 | 2,100 | | 801 | 1,299 | | | | | | | | | DEB | 331 | 1 NEW - Combined with Project No. 30 & 2 | | |
| | 1994 | 1995 | 2,100 | | 1,295 | 805 | | | | | | | | | DEB | 331 | 1 NEW - Combined with Project No. 15 & | | |

1994 - 2003 PROVISIONAL CAPITAL BUDGET PROGRAM

PROJECTS BY YEAR ORDER WITH DEPARTMENT, SOURCE OF FINANCING & COSTS

(Thousands of Dollars)

DRAFT

| PROJ NO. | DEPT (2) | PROJECT DESCRIPTION (3) | PROJECT | | GROSS RECEIPTS | | NET FINANCING | | | | | | | | | | NATURE OF | ANNUAL DEBT OPERAT CHARGES PENDING COST (18) | ANNUAL DEBT OPERAT CHARGES PENDING COST (19) | ANNUAL DEBT OPERAT CHARGES PENDING COST (20) |
|--|-------------|--|-------------------|--------|----------------|---------|---------------|-------|-------|------|------|------|------|------|------|------|--------------|--|--|--|
| | | | START | FINISH | COST | SUBSIDY | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | | | | |
| | | | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) | | | | |
| 131.1 | C&R | PUBLIC ART PROGRAMME | 1994 | 1994 | 120 | | 120 | | | | | | | | | | CL | | | |
| 132.0 | C&R | CHANGE AREA/BASKET ROOM CONVERSION TO LOCKER ROOM | 1994 | 1994 | 550 | | 550 | | | | | | | | | | DEB | 87 | (2) | |
| 133.0 | PWD-P | PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME | 1994 | 1994 | 587 | | 587 | | | | | | | | | | RPL | | 3 | |
| 134.0 | PWD-P | CREATIVE PLAYSTRUCTURE - NEW DEVELOPMENT | 1994 | 1994 | 126 | 26 | 100 | | | | | | | | | | RPL | | 1 | |
| 135.0 | PWD-P | PARKLAND ACQUISITION | 1994 | 1994 | 400 | | 400 | | | | | | | | | | RPL | | 1 | |
| 136.0 | PWD-P | IVOR WYNNE - RENOVATIONS AND REPAIRS | 1994 | 1994 | 90 | | 90 | | | | | | | | | | CL | | 1 | |
| 137.0 | PWD-P | CHEDOKE MOUNTAIN STEPS | 1994 | 1994 | 378 | | 378 | | | | | | | | | | CL | | 1 | |
| 140.1 | PWD-P | IVOR WYNNE STADIUM - RENOVATIONS AND REPAIRS | 1994 | 1994 | 250 | | 250 | | | | | | | | | | DEB | 60 | | |
| 141.1 | PWD-P | LIGHTING SAFETY - IMPROVEMENTS | 1994 | 1994 | 233 | | 233 | | | | | | | | | | RIWS | | | |
| 160.0 | HECFI | CONVENTION CENTRE - WENTWORTH EXHIBITION HALL RENOVATIONS | 1994 | 1994 | 70 | | 70 | | | | | | | | | | DEB | 37 | | |
| 161.0 | HECFI | REPLACEMENT & RENOVATION FOR FACILITIES & EQUIPMENT | 1994 | 1994 | 130 | | 130 | | | | | | | | | | RCP-H | | (1) | |
| 163.0 | HECFI | HAMILTON PLACE - RETROFIT/REFURBISH EXTERIOR SIGN | 1994 | 1994 | 230 | | 230 | | | | | | | | | | RCP-H | | | |
| 165.1 | HECFI | HAMILTON PLACE - CASUAL FURNITURE REPLACEMENT | 1994 | 1994 | 60 | | 60 | | | | | | | | | | RCP-H | | (7) | |
| 169.5 | HECFI | COPPS COLISEUM - CASH MANAGEMENT SYSTEM | 1994 | 1994 | 130 | | 130 | | | | | | | | | | RCP-H | | | |
| 171.0 | HPL | AUTOMATED COLLECTION DEVELOPMENT - PHASE VI | 1994 | 1994 | 153 | | 153 | | | | | | | | | | RCP-H | | | |
| 179.0 | PWD-C | CROWN POINT EAST/MCANULTY - PHASE I | 1994 | 1994 | 532 | 132 | 400 | | | | | | | | | | RCP-L | | 1 | |
| 189.0 | X | GENERAL CAPITAL CONTINGENCY | 1994 | 1994 | 500 | | 500 | | | | | | | | | | DEB | 63 | 1 | |
| Sub-total 1994 Projects (Other than Parking Authority) | | | (Net Cost 22,790) | | 27,474 | 4,684 | 20,541 | 2,249 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | 2,496 | (38) | |
| 1995 - 2003 Projects (Other than Parking Authority): | | | | | | | | | | | | | | | | | | | | |
| 3.1 | IS | COMPUTER SOFTWARE | 1995 | 1995 | 150 | | 150 | | | | | | | | | | CL | | 3 | |
| 5.0 | HD | MUNICIPAL NON-PROFIT HOUSING CORP - LAND BANKING | 1995 | 2003 | 9,000 | 9,000 | | | | | | | | | | | | | | |
| 12.1 | PROP | MAJOR MAINTENANCE TO CIVIC BUILDINGS | 1995 | 1995 | 400 | | 400 | | | | | | | | | | CL | | | |
| 13.1 | PROP | CUP-VARIOUS CAPITAL REPLACEMENTS/REVISIONS & NEW EQUIPMENT | 1995 | 1995 | 70 | | 70 | | | | | | | | | | CL | | | |
| 24.2 | PROP | BARRIER FREE DESIGN ACCESS - RECREATION BUILDINGS | 1995 | 1995 | 268 | | 268 | | | | | | | | | | CL | | | |
| 26.2 | PROP | ENERGY CONSERVATION PROJECT | 1995 | 1995 | 200 | | 200 | | | | | | | | | | CL | | | |
| 28.0 | PROP | CITY HALL - ROOF REPLACEMENT | 1995 | 1995 | 330 | | 330 | | | | | | | | | | CL | | | |
| 29.0 | PROP | MOUNTAIN ARENA - REPLACEMENT OF ROOF | 1995 | 1995 | 425 | | 425 | | | | | | | | | | DEB | 67 | | |
| 31.0 | PROP | CUP - BUILDING AUTOMATION SYSTEM UPGRADE | 1995 | 1995 | 154 | | 154 | | | | | | | | | | CL | | | |
| 32.0 | PROP | SPLIT/BALANCE CITY HALL POWER SUPPLY FOR COMPUTER SYSTEMS | 1995 | 1995 | 100 | | 100 | | | | | | | | | | CL | | | |
| 33.1 | PROP | PROPERTY PURCHASES - GENERAL | 1995 | 1995 | 300 | | 300 | | | | | | | | | | RPP | | | |
| 34.0 | PROP | UNINTERRUPTABLE POWER SUPPLY FOR COMPUTER SYSTEMS | 1995 | 1995 | 200 | | 200 | | | | | | | | | | RCP | | | |
| 54.2 | PROP | CENTRAL FIRE - REPLACE FLAT ROOFS | 1995 | 1995 | 75 | | 75 | | | | | | | | | | RCP | | | |
| 54.3 | PROP | WEST AVENUE SCHOOL - RETROFIT HEATING SYSTEM | 1995 | 1995 | 170 | | 170 | | | | | | | | | | CL | | | |
| 60.0 | HSPCA | CAPITAL CONSTRUCTION GRANT - HSPCA HEADQUARTERS | 1995 | 1996 | 5,000 | 2,500 | | | 1,250 | | | | | | | | DFB Res'd | 356 | | |
| 69.1 | ROAD | CITY'S SHARE OF SERVICES THROUGH UNSUBDIVIDED LANDS | 1995 | 1995 | 1,273 | | 1,273 | | | | | | | | | | RST/UL DE | 161 | | |

1994 - 2003 PROVISIONAL CAPITAL BUDGET PROGRAM

DRAFT
Schedule No. "B"

PROJECTS BY YEAR ORDER WITH DEPARTMENT, SOURCE OF FINANCING & COSTS

(Thousands of Dollars)

DRAFT

| DESCRIPTION | PROJECT | | GROSS RECEIPTS | | NET FINANCING | | | | | | | | | | NATURE OF | | ANNUAL | | NOTES |
|----------------------------------|---------|--------|----------------|---------|---------------|-------|------|------|------|------|------|------|------|------|-----------|---------|--------|-----------------|--------------------------------|
| | START | FINISH | COST | SUBSIDY | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | PENDING | CHARGES | DEBT | OPERATING | |
| | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) | (18) | (19) | (20) | (21) | |
| 1. S | 1995 | 1995 | 60 | 15 | 45 | | | | | | | | | | CL | | | | |
| 2. L | 1995 | 1995 | 650 | 163 | 487 | | | | | | | | | | CL | | | | |
| 3. TION PROGRAM - LOCAL ROADS | 1995 | 1995 | 7,225 | 1,806 | 5,419 | | | | | | | | | | DEB | 854 | | | |
| 4. IASE 1 & 2 | 1995 | 1996 | 320 | | | 150 | 170 | | | | | | | | DEB | 50 | | | Project No. 85 & 90 combined |
| 5. ONSTRUCTION | 1995 | 1995 | 139 | | | 139 | | | | | | | | | RDC | | | | |
| 6. I DENSITY | 1995 | 1995 | 50 | | | 50 | | | | | | | | | RCP | | | | |
| 7. NSTRUCTION | 1995 | 1995 | 140 | | | 140 | | | | | | | | | RDC | | | | 81 |
| 8. PMENT | 1995 | 1996 | 6,100 | 1,830 | 2,000 | 2,270 | | | | | | | | | DEB | 673 | 540 | REVISED SUBSIDY | |
| | 1995 | 1995 | 100 | | | 100 | | | | | | | | | RPL | 9 | | | |
| | 1995 | 1995 | 110 | | | 110 | | | | | | | | | RCP | | | | 5 |
| | 1995 | 1995 | 120 | | | 120 | | | | | | | | | RCP | | | | NEW |
| | 1995 | 1995 | 315 | | | 315 | | | | | | | | | CL | | | | |
| 9. AND REPAIRS | 1995 | 1996 | 1,482 | | | 972 | 510 | | | | | | | | DEB | 233 | 40 | NEW | |
| 10. IENT PROGRAMME | 1995 | 1995 | 150 | | | 150 | | | | | | | | | CL | | | | 0 |
| 11. ELOPMENT | 1995 | 1995 | 600 | | | 600 | | | | | | | | | RPL | | | | 38 |
| | 1995 | 1995 | 126 | 26 | | 100 | | | | | | | | | RPL | | | | 10 |
| | 1995 | 1995 | 400 | | | 400 | | | | | | | | | RPL | | | | NEW |
| 12. PLAN - IMPLEMENTATION | 1995 | 1997 | 4,500 | 4,500 | | | | | | | | | | | | | | | 13 |
| 13. ILITIES & EQUIPMENT | 1995 | 1995 | 120 | | | 120 | | | | | | | | | RCP-H | | | | REVISED PROVISION |
| 14. SOUND REINFORCEMENT SYSTEM | 1995 | 1995 | 240 | | | 240 | | | | | | | | | RCP-H | | | | 50 |
| 15. REPLACEMENT | 1995 | 1995 | 60 | | | 60 | | | | | | | | | RCP-H | | | | NEW |
| 16. EATING, GREAT HALL | 1995 | 1996 | 540 | | | 340 | 200 | | | | | | | | RCP-H | | | | |
| 17. EMENT | 1995 | 1995 | 240 | | | 240 | | | | | | | | | RCP-H | | | | NEW |
| 18. ET - PHASE VII | 1995 | 1995 | 105 | | | 105 | | | | | | | | | RCP-L | | | | 15 |
| | 1995 | 1995 | 500 | | | 500 | | | | | | | | | RCP/CL | | | | |
| 19. GS | 1996 | 1996 | 150 | | | 150 | | | | | | | | | CL | | | | 30 |
| 20. REVISIONS & NEW EQUIPMENT | 1996 | 1996 | 500 | | | 500 | | | | | | | | | CL | | | | |
| 21. ATION BUILDINGS | 1996 | 1996 | 80 | | | 80 | | | | | | | | | CL | | | | |
| | 1996 | 1996 | 188 | | | 188 | | | | | | | | | CL | | | | |
| | 1996 | 1996 | 100 | | | 100 | | | | | | | | | CL | | | | |
| | 1996 | 1996 | 300 | | | 300 | | | | | | | | | RPP | | | | |
| 22. I FROM CFC11 TO SUVA - 123 | 1996 | 1996 | 164 | | | 164 | | | | | | | | | CL | | | | |
| 23. EFRIGERATION & A/C EQUIPMENT | 1996 | 1996 | 236 | | | 236 | | | | | | | | | CL | | | | |
| 24. RS & ASSOCIATED EQUIPMENT | 1996 | 1996 | 353 | | | 353 | | | | | | | | | CL | | | | |
| 25. SYSTEM | 1996 | 1996 | 130 | | | 130 | | | | | | | | | DEB | 56 | | | |
| 26. NG | 1996 | 1996 | 40 | | | 40 | | | | | | | | | CL | | | | |
| 27. CEASED COST | 1996 | 1996 | 420 | | | 420 | | | | | | | | | CL | | | | NEW |
| | | | | | | | | | | | | | | | DEB | 66 | | | Revised from 1994-1995 to 1996 |

Cost reduced by \$62,000 for project No. 116 & 121

NEW

Revised from 1994 - 1995 to 1996

1994 - 2003 PROVISIONAL CAPITAL BUDGET PROGRAM

PROJECTS BY YEAR ORDER WITH DEPARTMENT, SOURCE OF FINANCING & COSTS

(Thousands of Dollars)

DRAFT

| PROJ NO. | DEPT (2) | PROJECT DESCRIPTION (3) | PROJECT | | GROSS RECEIPTS | | NET FINANCING | | | | | | | | | | NATURE OF ANNUAL DEBT OPERATI CHARGES COST (20) | | |
|-------------|-------------|--|--------------|---------------|----------------|----------------|---------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--|-----|---|
| | | | START (4) | FINISH (5) | COST (6) | SUBSIDY (7) | 1994 (8) | 1995 (9) | 1996 (10) | 1997 (11) | 1998 (12) | 1999 (13) | 2000 (14) | 2001 (15) | 2002 (16) | 2003 (17) | | | |
| 62.0 | FIRE | FIRE STATION - WOODWARD & MELVIN - CONSTRUCTION | 1996 | 1997 | 3,660 | | | | 300 | 3,360 | | | | | | | DEB | 577 | |
| 69.2 | ROAD | CITY'S SHARE OF SERVICES THROUGH UNSUBDIVIDED LANDS | 1996 | 1996 | 1,311 | | | | 1,311 | | | | | | | | RSTUL/CL | | |
| 76.1 | TRAFF | TRAFFIC SIGNALS | 1996 | 1996 | 79 | 20 | | | 59 | | | | | | | | CL | | |
| 80.2 | PWD-L | CITY'S SHARE OF LOCALS - RESIDENTIAL | 1996 | 1996 | 670 | 168 | | | 502 | | | | | | | | CL | | |
| 81.2 | PWD-L | ROADWAYS & SIDEWALKS RECONSTRUCTION PROGRAM - LOCAL ROADS | 1996 | 1996 | 7,445 | 1,861 | | | 5,584 | | | | | | | | DEB | 880 | |
| 86.0 | PWD-S | SUBDIVISION STREET SWEEPER | 1996 | 1996 | 180 | | | | 180 | | | | | | | | RDC | | 4 |
| 88.2 | PWD-S | UPGRADING MAINTENANCE DEPOTS - CONSTRUCTION | 1996 | 1996 | 50 | | | | 50 | | | | | | | | CL | | |
| 91.0 | PWD-S | SNOW BLOWERS MOUNTED | 1996 | 1996 | 144 | | | | 144 | | | | | | | | RDC | | |
| 92.0 | PWD-S | MOTOR VEHICLE REQUIREMENTS - SIGNALS AND HOISTS | 1996 | 1996 | 60 | | | | 60 | | | | | | | | RDC | | |
| 106.3 | C&R | HAMILTON PLAYSTRUCTURE REDEVELOPMENT | 1996 | 1996 | 100 | | | | 100 | | | | | | | | RPL | | |
| 116.0 | C&R | CORONATION ARENA AND OUTDOOR POOL | 1996 | 1997 | 2,228 | | | | 856 | 1,372 | | | | | | | DEB | 351 | |
| 131.3 | C&R | PUBLIC ART PROGRAMME | 1996 | 1996 | 120 | | | | 120 | | | | | | | | CL | | |
| 140.3 | PWD-P | IVOR WYNNE STADIUM - RENOVATIONS AND REPAIRS | 1996 | 1996 | 90 | | | | 90 | | | | | | | | CL | | |
| 142.2 | PWD-P | PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME | 1996 | 1996 | 600 | | | | 600 | | | | | | | | RPL | | 3 |
| 143.2 | PWD-P | CREATIVE PLAYSTRUCTURE - NEW DEVELOPMENT | 1996 | 1996 | 126 | 26 | | | 100 | | | | | | | | RPL | | 1 |
| 144.2 | PWD-P | PARKLAND ACQUISITION | 1996 | 1996 | 400 | | | | 400 | | | | | | | | RPL | | 1 |
| 151.0 | PWD-P | LANDSCAPING-STORM WATER MANAGEMENT FACILITY - HARBOURFRONT | 1996 | 1996 | 278 | | | | 278 | | | | | | | | CL | | |
| 161.2 | HECT1 | REPLACEMENT & RENOVATION FOR FACILITIES & EQUIPMENT | 1996 | 1996 | 220 | | | | 220 | | | | | | | | RCP-H | | |
| 164.0 | HECT1 | HAMILTON CONVENTION CENTRE - ROOF REPLACEMENT | 1996 | 1996 | 350 | | | | 350 | | | | | | | | RCP-H | | |
| 173.0 | HPL | AUTOMATED COLLECTION DEVELOPMENT - PHASE VIII | 1996 | 1996 | 108 | | | | 108 | | | | | | | | RCP-L | | 1 |
| 174.0 | HPL | CENTRAL LIBRARY RENOVATIONS - PHASE II | 1996 | 1996 | 340 | | | | 340 | | | | | | | | DEB | 54 | |
| 180.0 | PWD-C | CROWN POINT EAST/MCANULTY - PHASE II | 1996 | 1996 | 532 | 132 | | | 400 | | | | | | | | DEB | 63 | 1 |
| 189.2 | X | GENERAL CAPITAL CONTINGENCY | 1996 | 1996 | 500 | | | | 500 | | | | | | | | RCP/CL | | |
| 7.0 | HD | UPGRADE OF ADA PRITCHARD AND MACASSA PARK APARTMENTS | 1997 | 1998 | 1,339 | | | | 1,060 | 279 | | | | | | | DEB | 211 | |
| 12.3 | PROP | MAJOR MAINTENANCE TO CIVIC BUILDINGS | 1997 | 1997 | 500 | | | | 500 | | | | | | | | CL | | |
| 13.3 | PROP | CUP-VARIOUS CAPITAL REPLACEMENTS/REVISIONS & NEW EQUIPMENT | 1997 | 1997 | 80 | | | | 80 | | | | | | | | CL | | |
| 33.3 | PROP | PROPERTY PURCHASES - GENERAL | 1997 | 1997 | 300 | | | | 300 | | | | | | | | RPP | | |
| 35.2 | PROP | CONVERT AIR CONDITIONING EQUIPMENT FROM CFC11 TO SUVA-123 | 1997 | 1997 | 177 | | | | 177 | | | | | | | | CL | | |
| 40.0 | PROP | CHEDOKE GOLF CLUBHOUSE - BUILDING ENVELOPE REFURBISHING | 1997 | 1997 | 150 | | | | 150 | | | | | | | | CL | | |
| 42.0 | PROP | HILL PARK - POOL MECHANICAL/ELECTRICAL REFURBISHING | 1997 | 1997 | 300 | | | | 300 | | | | | | | | CL | | |
| 43.0 | PROP | CITY HALL - BOILER REPLACEMENT | 1997 | 1997 | 150 | | | | 150 | | | | | | | | CL | | |
| 45.0 | PROP | HAMILTON PLACE - PUMP REPLACEMENT | 1997 | 1997 | 50 | | | | 50 | | | | | | | | CL | | |
| 46.0 | PROP | SUMMERS LANE - SPRINKLER REPLACEMENT | 1997 | 1997 | 70 | | | | 70 | | | | | | | | CL | | |
| 47.0 | PROP | MACNAB STREET TRUCK TUNNEL - RAMP HEATING | 1997 | 1997 | 70 | | | | 70 | | | | | | | | CL | | |
| 59.6 | PROP | PROVISION FOR SPRINKLER SYSTEM - CITY BUILDINGS | 1997 | 1997 | 750 | | | | 750 | | | | | | | | CL | | 5 |
| 63.0 | FIRE | FIRE STATION - RAY STREET - DESIGN | 1997 | 1997 | 300 | | | | 300 | | | | | | | | DEB | 47 | |
| 65.0 | FIRE | SECOND APPARATUS DOOR AT TWO FIRE STATIONS | 1997 | 1997 | 108 | | | | 108 | | | | | | | | CL | | 1 |

1994 - 2003 PROVISIONAL CAPITAL BUDGET PROGRAM

DRAFT
Schedule No. "B"

PROJECTS BY YEAR ORDER WITH DEPARTMENT, SOURCE OF FINANCING & COSTS

(Thousands of Dollars)

DRAFT

| DESCRIPTION | PROJECT | | GROSS RECEIPTS | | NET FINANCING | | | | | | | | | | NATURE OF | ANNUAL FUNDING | ANNUAL DEBT CHARGES | ANNUAL OPERATING COST | NOTES |
|-----------------------------|---------|--------|----------------|---------|---------------|------|------|-------|-------|------|------|------|------|------|-----------|----------------|---------------------|-----------------------|----------------------------------|
| | START | FINISH | COST | SUBSIDY | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | | | | | |
| | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) | | | | | |
| UNSUBDIVIDED LANDS | 1997 | 1997 | 1,351 | | | | | 1,351 | | | | | | | RSTUL/CL | | | | |
| ATION | 1997 | 1997 | 90 | | | | | 90 | | | | | | | CL | | | | |
| RIDGE | 1997 | 1997 | 855 | 624 | | | | 231 | | | | | | | CL | | | | |
| | 1997 | 1997 | 80 | 20 | | | | 60 | | | | | | | CL | | | 1 | |
| L | 1997 | 1997 | 690 | 173 | | | | 517 | | | | | | | CL | | | | |
| ITION PROGRAM - LOCAL ROADS | 1997 | 1997 | 7,670 | 1,918 | | | | 5,752 | | | | | | | DEB | 906 | | | |
| ONSTRUCTION | 1997 | 1997 | 50 | | | | | 50 | | | | | | | CL | | | | |
| MPMENT | 1997 | 1997 | 100 | | | | | 100 | | | | | | | RPL | | | 9 | |
| IE PARK | 1997 | 1997 | 75 | | | | | 75 | | | | | | | RPL | | | 2 | |
| IENT PROGRAMME | 1997 | 1997 | 600 | | | | | 600 | | | | | | | RPL | | | 38 | REVISED PROVISION |
| ELOPMENT | 1997 | 1997 | 126 | 26 | | | | 100 | | | | | | | RPL | | | 10 | NEW |
| | 1997 | 1997 | 400 | | | | | 400 | | | | | | | RPL | | | 13 | REVISED PROVISION |
| RAMME | 1997 | 1997 | 98 | | | | | 98 | | | | | | | CL | | | 11 | NEW |
| ILITIES & EQUIPMENT | 1997 | 1997 | 245 | | | | | 245 | | | | | | | RCP-H | | | | |
| | 1997 | 1997 | 532 | 132 | | | | 400 | | | | | | | CL | | | 19 | |
| | 1997 | 1997 | 500 | | | | | 500 | | | | | | | RCP/CL | | | | |
| AGS | 1998 | 1998 | 600 | | | | | | 600 | | | | | | CL | | | | |
| REVISIONS & NEW EQUIPMENT | 1998 | 1998 | 90 | | | | | 90 | | | | | | | CL | | | | |
| | 1998 | 1998 | 300 | | | | | 300 | | | | | | | RPP | | | | |
| AT FROM CFC11 TO SUVA - 123 | 1998 | 1998 | 177 | | | | | 177 | | | | | | | CL | | | | |
| | 1998 | 1998 | 160 | | | | | 160 | | | | | | | CL | | | NEW | |
| CAL REFURBISHING | 1998 | 1998 | 250 | | | | | 250 | | | | | | | CL | | | NEW | |
| ECTRICAL UPGRADE | 1998 | 1998 | 150 | | | | | 150 | | | | | | | CL | | | NEW | |
| ESS SYSTEM REPLACEMENT | 1998 | 1998 | 175 | | | | | 175 | | | | | | | CL | | | NEW | |
| E RESTORATION | 1998 | 1998 | 200 | | | | | 200 | | | | | | | CL | | | NEW | |
| ON TO MAIN HEATING SYSTEM | 1998 | 1998 | 75 | | | | | 75 | | | | | | | CL | | | NEW | |
| | 1998 | 1998 | 250 | | | | | 250 | | | | | | | CL | | | NEW | |
| CTION | 1998 | 1999 | 3,470 | | | | | 1,000 | 2,470 | | | | | | DEB | 547 | | | Revised from 1997 to 1998 - 1999 |
| NSUBDIVIDED LANDS | 1998 | 1998 | 1,391 | | | | | 1,391 | | | | | | | RSTUL/CL | | | | |
| ITION | 1998 | 1998 | 93 | | | | | 93 | | | | | | | CL | | | | |
| | 1998 | 1998 | 82 | 20 | | | | 62 | | | | | | | CL | | | 1 | |
| | 1998 | 1998 | 710 | 178 | | | | 532 | | | | | | | CL | | | | |
| ITION PROGRAM - LOCAL ROADS | 1998 | 1998 | 7,900 | 1,975 | | | | 5,925 | | | | | | | DEB/CL | 855 | | | |
| ONSTRUCTION | 1998 | 1998 | 50 | | | | | 50 | | | | | | | CL | | | | |
| | 1998 | 1998 | 200 | | | | | 200 | | | | | | | RDC | | | 48 | |
| DENSITY | 1998 | 1998 | 200 | | | | | 200 | | | | | | | RDC | | | 81 | |
| | 1998 | 1998 | 135 | | | | | 135 | | | | | | | RDC | | | 10 | |

1994-2003 PROVISIONAL CAPITAL BUDGET PROGRAM

PROJECTS BY YEAR ORDER WITH DEPARTMENT, SOURCE OF FINANCING & COSTS

(Thousands of Dollars)

DRAFT

| PROJ NO. | DEPT (2) | PROJECT DESCRIPTION (3) | PROJECT | | GROSS RECEIPTS | | NET FINANCING | | | | | | | | | | NATURE OF ANNUAL OPERAT | | |
|-------------|-------------|--|---------|--------|----------------|---------|---------------|------|------|-------|-------|------|------|------|------|------|-------------------------|---------|------|
| | | | START | FINISH | COST | SUBSIDY | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | FUNDING | CHARGES | |
| | | | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) | (18) | (19) | (20) |
| 106.5 | C&R | HAMILTON PLAYSTRUCTURE REDEVELOPMENT | 1998 | 1998 | 100 | | | | | 100 | | | | | | | RPL | | |
| 111.0 | C&R | HAMILTON AQUATIC CENTRE - CONSTRUCTION | 1998 | 2000 | 14,900 | 9,933 | | | | 4,967 | | | | | | | DEB | 783 | 5 |
| 140.4 | PWD-P | IVOR WYNNE STADIUM - RENOVATIONS AND REPAIRS | 1998 | 1998 | 90 | | | | | 90 | | | | | | | CL | | |
| 141.2 | PWD-P | LIGHTING SAFETY - IMPROVEMENTS | 1998 | 1998 | 46 | | | | | 46 | | | | | | | CL | | |
| 142.4 | PWD-P | PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME | 1998 | 1998 | 600 | | | | | 600 | | | | | | | RPL | | |
| 143.4 | PWD-P | CREATIVE PLAYSTRUCTURE - NEW DEVELOPMENT | 1998 | 1998 | 126 | 26 | | | | 100 | | | | | | | RPL | | |
| 144.4 | PWD-P | PARKLAND ACQUISITION | 1998 | 1998 | 400 | | | | | 400 | | | | | | | RPL | | |
| 148.0 | PWD-P | PARKING LOT AND PATHWAY REPAIRS - VARIOUS LOCATIONS | 1998 | 1998 | 1,160 | | | | | 1,160 | | | | | | | CL | | |
| 152.0 | PWD-P | BRIDGE REPAIR - GOLF COURSES | 1998 | 1998 | 75 | | | | | 75 | | | | | | | CL | | |
| 158.0 | PWD-P | BRIAN TIMMIS - REPAIR | 1998 | 1998 | 90 | | | | | 90 | | | | | | | CL | | |
| 161.4 | HECFI | REPLACEMENT & RENOVATION FOR FACILITIES & EQUIPMENT | 1998 | 1998 | 375 | | | | | 375 | | | | | | | RCP-H | | |
| 168.0 | HECFI | HAMILTON PLACE - CARPET REPLACEMENT | 1998 | 1998 | 225 | | | | | 225 | | | | | | | RCP-H | | |
| 169.0 | HECFI | FACILITY MANAGEMENT SYSTEM (FMS) | 1998 | 1999 | 600 | | | | | 300 | 300 | | | | | | RCP-H | | |
| 181.0 | PWD-C | FERGUSON AVENUE REVITALIZATION - IMPLEMENTATION | 1998 | 1999 | 1,800 | | | | | 800 | 1,000 | | | | | | DEB | 284 | |
| 184.0 | PWD-C | PARKVIEW (EAST & WEST) | 1998 | 1998 | 266 | 66 | | | | 200 | | | | | | | DEB | 32 | |
| 189.4 | X | GENERAL CAPITAL CONTINGENCY | 1998 | 1998 | 500 | | | | | 500 | | | | | | | CL/RCP | | |
| 12.5 | PROP | MAJOR MAINTENANCE TO CIVIC BUILDINGS | 1999 | 1999 | 600 | | | | | 600 | | | | | | | CL | | |
| 13.5 | PROP | CUP-VARIOUS CAPITAL REPLACEMENTS/REVISIONS & NEW EQUIPMENT | 1999 | 1999 | 90 | | | | | 90 | | | | | | | CL | | |
| 33.5 | PROP | PROPERTY PURCHASES - GENERAL | 1999 | 1999 | 300 | | | | | 300 | | | | | | | RPP | | |
| 53.0 | PROP | CUP - TRIGENERATION | 1999 | 2000 | 6,852 | | | | | 3,000 | 3,852 | | | | | | DEB | 1,079 | (9) |
| 55.0 | PROP | MAJOR ACCOMMODATION REFURBISHING - CITY HALL | 1999 | 2000 | 4,500 | | | | | 1,500 | 3,000 | | | | | | DEB/CL | 394 | |
| 56.0 | PROP | CHEDOKE GOLF CLUBHOUSE - MECHANICAL/ELECTRICAL UPGRADE | 1999 | 1999 | 200 | | | | | 200 | | | | | | | CL | | |
| 59.7 | PROP | PROVISION FOR SPRINKLER SYSTEM - CITY BUILDINGS | 1999 | 1999 | 800 | | | | | 800 | | | | | | | CL | | |
| 69.5 | ROAD | CITY'S SHARE OF SERVICES THROUGH UNSUBDIVIDED LANDS | 1999 | 1999 | 1,433 | | | | | 1,433 | | | | | | | RSTUL/CL | | |
| 72.3 | ROAD | RAILWAY CROSSING - HI RAIL INSTALLATION | 1999 | 1999 | 96 | | | | | 96 | | | | | | | CL | | |
| 76.4 | TRAFF | TRAFFIC SIGNALS | 1999 | 1999 | 84 | 21 | | | | 63 | | | | | | | CL | | |
| 82.1 | PWD-L | CITY'S SHARE OF LOCALS - RESIDENTIAL | 1999 | 1999 | 730 | 183 | | | | 547 | | | | | | | CL | | |
| 83.1 | PWD-L | ROADWAYS & SIDEWALKS RECONSTRUCTION PROGRAM - LOCAL ROADS | 1999 | 1999 | 8,135 | 2,034 | | | | 6,101 | | | | | | | DEB | 961 | |
| 88.5 | PWD-S | UPGRADING MAINTENANCE DEPOTS - CONSTRUCTION | 1999 | 1999 | 50 | | | | | 50 | | | | | | | CL | | |
| 98.0 | PWD-S | MOTOR VEHICLE REQUIREMENTS - SIGNALS AND HOISTS | 1999 | 1999 | 66 | | | | | 66 | | | | | | | RDC | | |
| 112.0 | C&R | BOCCE COURT DEVELOPMENT | 1999 | 1999 | 80 | 5 | | | | 75 | | | | | | | CL | | |
| 119.0 | C&R | DALEWOOD RECREATION CENTRE - RETROFIT | 1999 | 1999 | 538 | | | | | 538 | | | | | | | CL | | |
| 120.0 | C&R | TENNIS COURT REDEVELOPMENT | 1999 | 1999 | 300 | | | | | 300 | | | | | | | CL | | |
| 140.5 | PWD-P | IVOR WYNNE STADIUM - RENOVATIONS AND REPAIRS | 1999 | 1999 | 90 | | | | | 90 | | | | | | | CL | | |
| 142.5 | PWD-P | PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME | 1999 | 1999 | 600 | | | | | 600 | | | | | | | RPL | | 3 |
| 143.5 | PWD-P | CREATIVE PLAYSTRUCTURE - NEW DEVELOPMENT | 1999 | 1999 | 126 | 26 | | | | 100 | | | | | | | RPL | | 1 |
| 144.5 | PWD-P | PARKLAND ACQUISITION | 1999 | 1999 | 400 | | | | | 400 | | | | | | | RPL | | 1 |

1994-2003 PROVISIONAL CAPITAL BUDGET PROGRAM

PROJECTS BY YEAR ORDER WITH DEPARTMENT, SOURCE OF FINANCING & COSTS

(Thousands of Dollars)

DRAFT

| DESCRIPTION | PROJECT | | GROSS RECEIPTS | | NET FINANCING | | | | | | | | | | NATURE OF | | ANNUAL | | NOTES |
|---------------------------|---------|--------|----------------|---------|---------------|------|------|------|------|------|-------|-------|------|------|-----------|------|--|------|-------|
| | START | FINISH | COST | SUBSIDY | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | FUNDING | DEBT | OPERATING | | |
| | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) | (18) | (19) | (20) | | |
| UTILITIES & EQUIPMENT | 1999 | 1999 | 325 | | | | | | | 325 | | | | | RCP-H | | | (21) | |
| | 1999 | 1999 | 500 | | | | | | | 500 | | | | | RCP/CL | | | | |
| WATER | 2000 | 2000 | 700 | | | | | | | | 700 | | | | CL | | | | |
| SEWER | 2000 | 2000 | 100 | | | | | | | | 100 | | | | CL | | | | |
| REVISIONS & NEW EQUIPMENT | 2000 | 2000 | 300 | | | | | | | | 300 | | | | RPP | | | | |
| STREETS | 2000 | 2000 | 310 | | | | | | | | 310 | | | | CL | | | | |
| PAVING | 2000 | 2000 | 100 | | | | | | | | 100 | | | | CL | | NEW | | |
| UNSUBDIVIDED LANDS | 2000 | 2000 | 1,476 | | | | | | | | 1,476 | | | | CL | | | | |
| CONSTRUCTION | 2000 | 2000 | 98 | | | | | | | | 98 | | | | CL | | | | |
| TRAVEL | 2000 | 2000 | 88 | 22 | | | | | | | 66 | | | | CL | | 1 | | |
| TRUCKS | 2000 | 2000 | 750 | 188 | | | | | | | 562 | | | | CL/RCP | | | | |
| TRUCKS - LOCAL ROADS | 2000 | 2000 | 8,380 | 2,095 | | | | | | | 6,285 | | | | DEB | 990 | | | |
| CONSTRUCTION | 2000 | 2000 | 50 | | | | | | | | 50 | | | | CL | | | | |
| | 2000 | 2000 | 143 | | | | | | | | 143 | | | | RDC | | 10 | | |
| TRUCKS | 2000 | 2000 | 1,917 | | | | | | | | 1,917 | | | | CL | | (5) Combined with project # 24 part, delayed 2 yrs | | |
| TRUCKS | 2000 | 2000 | 985 | | | | | | | | 985 | | | | CL | | 90 | | |
| TRUCKS | 2000 | 2000 | 90 | | | | | | | | 90 | | | | CL | | NEW | | |
| TRUCKS | 2000 | 2000 | 600 | | | | | | | | 600 | | | | RPL | | 38 REVISED PROVISION | | |
| TRUCKS | 2000 | 2000 | 126 | 26 | | | | | | | 100 | | | | RPL | | 10 NEW | | |
| TRUCKS | 2000 | 2000 | 400 | | | | | | | | 400 | | | | RPL | | 13 REVISED PROVISION | | |
| UTILITIES & EQUIPMENT | 2000 | 2000 | 300 | | | | | | | | 300 | | | | RCP-H | | | | |
| | 2000 | 2000 | 500 | | | | | | | | 500 | | | | DEB | 79 | | | |
| WATER | 2001 | 2001 | 700 | | | | | | | | | 700 | | | CL | | | | |
| SEWER | 2001 | 2001 | 100 | | | | | | | | | 100 | | | CL | | | | |
| REVISIONS & NEW EQUIPMENT | 2001 | 2001 | 400 | | | | | | | | | 400 | | | RPP | | | | |
| STREETS | 2001 | 2001 | 100 | | | | | | | | | 100 | | | CL | | NEW | | |
| PAVING | 2001 | 2001 | 920 | | | | | | | | | 920 | | | CL | | 5 NEW - Project # 66, 170 & Part of 55 Combined | | |
| UNSUBDIVIDED LANDS | 2001 | 2001 | 1,520 | | | | | | | | | 1,520 | | | CL | | | | |
| CONSTRUCTION | 2001 | 2001 | 101 | | | | | | | | | 101 | | | CL | | | | |
| TRAVEL | 2001 | 2001 | 90 | 22 | | | | | | | | 68 | | | CL | | 1 | | |
| TRUCKS | 2001 | 2001 | 775 | 194 | | | | | | | | 581 | | | CL | | | | |
| TRUCKS - LOCAL ROADS | 2001 | 2001 | 8,630 | 2,158 | | | | | | | | 6,472 | | | DEB/CL | 829 | | | |
| CONSTRUCTION | 2001 | 2001 | 50 | | | | | | | | | 50 | | | CL | | | | |
| | 2001 | 2001 | 220 | | | | | | | | | 220 | | | RDC | | 48 | | |
| TRUCKS | 2001 | 2001 | 600 | | | | | | | | | 600 | | | RPL | | 38 REVISED PROVISION | | |
| TRUCKS | 2001 | 2001 | 126 | 26 | | | | | | | | 100 | | | RPL | | 10 NEW | | |
| TRUCKS | 2001 | 2001 | 400 | | | | | | | | | 400 | | | RPL | | 13 REVISED PROVISION | | |

1994 - 2003 PROVISIONAL CAPITAL BUDGET PROGRAM

PROJECTS BY YEAR ORDER WITH DEPARTMENT, SOURCE OF FINANCING & COSTS

(Thousands of Dollars)

DRAFT

| PROJ NO. | DEPT (2) | PROJECT DESCRIPTION (3) | PROJECT | | GROSS RECEIPTS | | NET FINANCING | | | | | | | | | | NATURE OF FUNDING | ANNUAL DEBT OPERAT CHARGES (19) | (20) |
|-------------|-------------|---|--------------|---------------|----------------|----------------|---------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-------------------------|---|------|
| | | | START (4) | FINISH (5) | COST (6) | SUBSIDY (7) | 1994 (8) | 1995 (9) | 1996 (10) | 1997 (11) | 1998 (12) | 1999 (13) | 2000 (14) | 2001 (15) | 2002 (16) | 2003 (17) | | | |
| | | | | | | | | | | | | | | | | | | | |
| 161.7 | HECFI | REPLACEMENT & RENOVATION FOR FACILITIES & EQUIPMENT | 2001 | 2001 | 230 | | | | | | | | | 230 | | | RCP-H | | |
| 185.0 | PWD-C | BLAKELEY/ST. CLAIR P.R.I.D.E. PROGRAM | 2001 | 2001 | 532 | 132 | | | | | | | | 400 | | | CL | | 1 |
| 189.7 | X | GENERAL CAPITAL CONTINGENCY | 2001 | 2001 | 500 | | | | | | | | | 500 | | | CL | | |
| 12.8 | PROP | MAJOR MAINTENANCE TO CIVIC BUILDINGS | 2002 | 2002 | 800 | | | | | | | | | | 800 | | CL | | |
| 13.8 | PROP | CUP- VARIOUS CAPITAL REPLACEMENTS/REVISIONS & NEW EQUIPMENT | 2002 | 2002 | 110 | | | | | | | | | | 110 | | CL | | |
| 33.8 | PROP | PROPERTY PURCHASES - GENERAL | 2002 | 2002 | 400 | | | | | | | | | | 400 | | RPP | | |
| 69.8 | ROAD | CITY'S SHARE OF SERVICES THROUGH UNSUBDIVIDED LANDS | 2002 | 2002 | 1,566 | | | | | | | | | | 1,566 | | CL | | |
| 72.6 | ROAD | RAILWAY CROSSING - HI RAIL INSTALLATION | 2002 | 2002 | 104 | | | | | | | | | | 104 | | CL | | |
| 76.7 | TRAFF | TRAFFIC SIGNALS | 2002 | 2002 | 92 | 23 | | | | | | | | | 69 | | CL | | |
| 82.4 | PWD-L | CITY'S SHARE OF LOCALS - RESIDENTIAL | 2002 | 2002 | 800 | 200 | | | | | | | | | 600 | | CL | | |
| 83.4 | PWD-L | ROADWAYS & SIDEWALKS RECONSTRUCTION PROGRAM - LOCAL ROADS | 2002 | 2002 | 8,890 | 2,223 | | | | | | | | | 6,667 | | DEB/CL | 934 | |
| 88.8 | PWD-S | UPGRADING MAINTENANCE DEPOTS - CONSTRUCTION | 2002 | 2002 | 50 | | | | | | | | | | 50 | | CL | | |
| 101.0 | PWD-S | REFUSE PACKER - 25 CUBIC YARD, HIGH DENSITY | 2002 | 2002 | 220 | | | | | | | | | | 220 | | RDC | | 18 |
| 102.0 | PWD-S | MOTOR VEHICLE REQUIREMENTS - SIGNALS AND HOISTS | 2002 | 2002 | 72 | | | | | | | | | | 72 | | RDC | | |
| 103.0 | PWD-S | SANDER WING PLOW UNIT | 2002 | 2002 | 152 | | | | | | | | | | 152 | | RDC | | 1 |
| 132.5 | C&R | HAMILTON EAST KIWANIS BOYS AND GIRLS CLUB | 2002 | 2002 | 7,014 | 3,182 | | | | | | | | | 3,832 | | DEB | 604 | |
| 142.8 | PWD-P | PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME | 2002 | 2002 | 600 | | | | | | | | | | 600 | | RPL | | 3 |
| 143.8 | PWD-P | CREATIVE PLAYSTRUCTURE - NEW DEVELOPMENT | 2002 | 2002 | 126 | 26 | | | | | | | | | 100 | | RPL | | 1 |
| 144.8 | PWD-P | PARKLAND ACQUISITION | 2002 | 2002 | 400 | | | | | | | | | | 400 | | RPL | | 1 |
| 149.0 | PWD-P | TURNER PARK DEVELOPMENT PHASE II | 2002 | 2003 | 5,190 | | | | | | | | | | 2,525 | 2,665 | DEB | 818 | 8 |
| 161.8 | HECFI | REPLACEMENT & RENOVATION FOR FACILITIES & EQUIPMENT | 2002 | 2002 | 200 | | | | | | | | | | 200 | | RCP-H | | |
| 186.0 | PWD-C | HUGHSON ST REDEVELOPMENT - DOWNTOWN ACTION PLAN PHASE I | 2002 | 2002 | 743 | | | | | | | | | | 743 | | CL | | 2 |
| 188.0 | PWD-C | COMMERCIAL IMPROVEMENT PROGRAMME - PHASE II | 2002 | 2003 | 2,500 | | | | | | | | | | 1,000 | 1,500 | CL | | 70 |
| 189.8 | X | GENERAL CAPITAL CONTINGENCY | 2002 | 2002 | 500 | | | | | | | | | | 500 | | CL | | |
| 12.9 | PROP | MAJOR MAINTENANCE TO CIVIC BUILDINGS | 2003 | 2003 | 800 | | | | | | | | | | | 800 | CL | | |
| 13.9 | PROP | CUP- VARIOUS CAPITAL REPLACEMENTS/REVISIONS & NEW EQUIPMENT | 2003 | 2003 | 110 | | | | | | | | | | | 110 | CL | | |
| 33.9 | PROP | PROPERTY PURCHASE - GENERAL | 2003 | 2003 | 400 | | | | | | | | | | | 400 | RPP | | |
| 69.9 | ROAD | CITY'S SHARE OF SERVICES THROUGH UNSUBDIVIDED LANDS | 2003 | 2003 | 1,613 | | | | | | | | | | | 1,613 | CL | | |
| 72.7 | ROAD | RAILWAY CROSSING - HI RAIL INSTALLATION | 2003 | 2003 | 108 | | | | | | | | | | | 108 | CL | | |
| 76.8 | TRAFF | TRAFFIC SIGNALS | 2003 | 2003 | 95 | 24 | | | | | | | | | | 71 | CL | | |
| 82.5 | PWD-L | CITY'S SHARE OF LOCALS - RESIDENTIAL | 2003 | 2003 | 820 | 205 | | | | | | | | | | 615 | CL | | |
| 83.5 | PWD-L | ROADWAYS & SIDEWALKS RECONSTRUCTION PROGRAM - LOCAL ROADS | 2003 | 2003 | 9,160 | 2,290 | | | | | | | | | | 6,870 | DEB | 1,082 | |
| 88.9 | PWD-S | UPGRADING MAINTENANCE DEPOTS - CONSTRUCTION | 2003 | 2003 | 50 | | | | | | | | | | | 50 | CL | | |
| 142.9 | PWD-P | PARK DEVELOPMENT AND REDEVELOPMENT PROGRAMME | 2003 | 2003 | 600 | | | | | | | | | | | 600 | RPL | | 3 |
| 143.9 | PWD-P | CREATIVE PLAYSTRUCTURE - NEW DEVELOPMENT | 2003 | 2003 | 126 | 26 | | | | | | | | | | 100 | RPL | | 1 |
| 144.9 | PWD-P | PARKLAND ACQUISITION | 2003 | 2003 | 400 | | | | | | | | | | | 400 | RPL | | 1 |
| 157.0 | PWD-P | MOUNTAIN BROW PARKLAND LANDSCAPING | 2003 | 2003 | 984 | | | | | | | | | | | 984 | CL | | 1 |

The Corporation of the City of Hamilton

1994 - 2003 PROVISIONAL CAPITAL BUDGET PROGRAM

DRAFT
Schedule No. "B"

PROJECTS BY YEAR ORDER WITH DEPARTMENT, SOURCE OF FINANCING & COSTS

(Thousands of Dollars)

DRAFT

| DESCRIPTION | PROJECT | | GROSS RECEIPTS | | NET FINANCING | | | | | | | | | | NATURE OF FUNDING | | ANNUAL DEBT CHARGES | | ANNUAL OPERATING COST | | NOTES |
|----------------------------|--------------|------|----------------|---------|---------------|---------|--------|---------|---------|--------|---------|----------|--------|--------|-------------------|---------|---------------------|----|---------------------------|------|-------|
| | START FINISH | | COST SUBSIDY | | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | FUNDING | CHARGES | COST | | | | |
| | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) | | | | | | | |
| SECTION | 2003 | 2003 | 6,275 | 5,275 | | | | | | | | | | | 1,000 | DEB | 158 | 50 | Revised from 2001 to 2003 | (21) | |
| ILITIES & EQUIPMENT | 2003 | 2003 | 180 | | | | | | | | | | | | 180 | RCP-H | | | | | |
| | 2003 | 2003 | 500 | | | | | | | | | | | | 500 | RCP/CL | | | | | |
| (NET CITY COSTS - 198,674) | | | 261,102 | 62,428 | 20,541 | 20,516 | 19,713 | 19,366 | 22,322 | 21,544 | 21,934 | 13,462 | 20,710 | 18,566 | | | 18,530 | | 2,259 | | |
| (Net City Costs - 170,313) | | | 235,466 | 65,153 | 15,525 | 23,642 | 19,887 | 24,042 | 21,283 | 13,185 | 12,301 | 25,794 | 14,654 | 0 | | | | | | | |
| der) Request | | | 28,361 | (2,725) | 5,016 | (3,126) | (174) | (4,676) | 1,039 | 8,359 | 9,633 | (12,332) | 6,056 | 18,566 | | | | | | | |
| RE PARKING PROJECTS | | | | | | | | | | | | | | | | | | | | | |
| | 1994 | 1994 | 100 | | 100 | | | | | | | | | | | | | | | | |
| | 1994 | 1994 | 50 | | 50 | | | | | | | | | | | | | | | | |
| (Net Cost 150) | | | 150 | 0 | 150 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | 0 | | 0 | | |
| Projects: | | | | | | | | | | | | | | | | | | | | | |
| RE PARKING PROJECTS | | | | | | | | | | | | | | | | | | | | | |
| | 1995 | 2003 | 900 | | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | | | | | | | |
| | 1995 | 2003 | 450 | | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | | | | | | | |
| ADRIANT | 1997 | 1997 | 8,800 | 4,400 | | | 4,400 | | | | | | | | | | | | | | |
| D OF EDUCATION | 1999 | 1999 | 10,000 | 5,000 | | | | | | 5,000 | | | | | | | | | | | |
| | 2001 | 2001 | 10,000 | 5,000 | | | | | | | | 5,000 | | | | | | | | | |
| (Net Cost 15,900) | | | 30,300 | 14,400 | 150 | 150 | 150 | 4,550 | 150 | 5,150 | 150 | 5,150 | 150 | 150 | | | 0 | | 0 | | |
| (Net Costs 22,600) | | | 36,830 | 14,230 | 1,450 | 350 | 350 | 450 | 10,000 | 0 | 10,000 | 0 | 0 | 0 | | | | | | | |
| der) Request | | | (6,530) | 170 | (1,300) | (200) | (200) | 4,100 | (9,850) | 5,150 | (9,850) | 5,150 | 150 | 150 | | | | | | | |
| (Net Cost 15,900) | | | 30,300 | 14,400 | 150 | 150 | 150 | 4,550 | 150 | 5,150 | 150 | 5,150 | 150 | 150 | | | 0 | | 0 | | |
| AM | | | 291,402 | 76,828 | 20,691 | 20,666 | 19,863 | 23,916 | 22,472 | 26,694 | 22,084 | 18,612 | 20,860 | 18,716 | | | 18,530 | | 2,259 | | |

1994-2003 PROVISIONAL CAPITAL BUDGET PROGRAM

PROJECTS BY YEAR ORDER WITH DEPARTMENT, SOURCE OF FINANCING & COSTS

(Thousands of Dollars)

DRAFT

| PROJ | NET FINANCING | | | | | | | | | | | | | | | | | NATURE | ANNUAL |
|--|---------------|--|---------|--------|---------|----------|---------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|--------|--------|
| NO. | DEPT | PROJECT DESCRIPTION | START | FINISH | GROSS | RECEIPTS | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | FUNDING | OF | DEBT |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) | (18) | (19) | (20) |
| 22002 | CL | CAPITAL LEVY (1993-\$2.2 Millions, 1994-2.2 Millions, 1995-3 Mills, 1996-4 Mills, 1997-5 Mills, 1998 & On-6 Mills) | 1994 | 2003 | 51,802 | 2,200 | 3,032 | 4,063 | 5,105 | 6,156 | 6,187 | 6,218 | 6,249 | 6,280 | 6,312 | | | | |
| CH102 | RPP | RESERVE FOR PROPERTY PURCHASE | 1994 | 2003 | 3,190 | 190 | 300 | 300 | 300 | 300 | 300 | 300 | 300 | 400 | 400 | | | | |
| CH201 | RDC | RESERVE FOR DEVELOPMENT CHARGES | 1994 | 2002 | 2,071 | 279 | 384 | 0 | 535 | 66 | 143 | 220 | 444 | | | | | | |
| CH203 | RCP | RESERVE FOR CAPITAL PROJECTS - GENERAL | 1994 | 2003 | 3,235 | 1,111 | 1,007 | 185 | 347 | 310 | 0 | 236 | 0 | 0 | 39 | | | | |
| CH107 | RSTUL | RESERVE FOR CITY'S SHARE - UNSUBDIVIDED LAND | 1994 | 1999 | 2,195 | 1,000 | 250 | 250 | 250 | 250 | 195 | | | | | | | | |
| CH201 | RPL | RESERVE FOR PARKS LAND - 5% LAND DEDICATION | 1994 | 2003 | 11,562 | 1,187 | 1,200 | 1,200 | 1,275 | 1,200 | 1,100 | 1,100 | 1,100 | 1,100 | 1,100 | | | | |
| CH202 | ROSP | RESERVE FOR OFF-STREET PARKING | 1994 | 2003 | 15,900 | 150 | 150 | 150 | 4,550 | 150 | 5,150 | 150 | 5,150 | 150 | 150 | | | | |
| CH209 | HSPCA | RESERVE FOR H.S.P.C.A. | 1995 | 1995 | 241 | | 241 | | | | | | | | | | | | |
| CH204 | RCP-L | RESERVE FOR CAPITAL PROJECTS - LIBRARY | 1994 | 1996 | 366 | 153 | 105 | 108 | | | | | | | | | | | |
| CH205 | RIWS | RESERVE FOR IVOR WYNNE STADIUM - PARK IMPROVEMENTS | 1994 | 1994 | 250 | 250 | | | | | | | | | | | | | |
| CH206 | RCP-H | RESERVE FOR CAPITAL PROJECTS - HECFI | 1994 | 2003 | 5,070 | 620 | 1,000 | 770 | 245 | 900 | 625 | 300 | 230 | 200 | 180 | | | | |
| CH319 | HIILR | HAMILTON HANDICAPPED LOAN PROGRAMME | 1994 | 1994 | 99 | 99 | | | | | | | | | | | | | |
| Sub-total | | FINANCING FROM CAPITAL LEVY AND RESERVES | | | 95,981 | 6,960 | 7,564 | 7,410 | 12,072 | 9,801 | 13,623 | 8,447 | 13,349 | 8,574 | 8,181 | | | | |
| TOTAL | | COST TO BE FINANCED BY THE | | | | | | | | | | | | | | | | | |
| | | ISSUANCE OF DEBENTURE | 118,593 | 1994 | 2003 | 291,402 | 172,809 | 13,731 | 13,102 | 12,453 | 11,844 | 12,671 | 13,071 | 13,637 | 5,263 | 12,286 | 10,535 | 18,530 | 2,25 |
| | | LESS CITY LINE OF CREDIT - Parking Authority | 0 | 1994 | 2003 | 14,400 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | | DEBENTURE ISSUE - Municipal | 118,593 | 1994 | 2003 | 277,002 | 158,409 | 13,731 | 13,102 | 12,453 | 11,844 | 12,671 | 13,071 | 13,637 | 5,263 | 12,286 | 10,535 | 18,530 | 2,25 |
| NOTE: | | THE IMPLEMENTATION OF ANY PROJECT (1995 AND AFTER) FINANCED FROM RESERVES & RESERVE FUNDS IS SUBJECT TO THE AVAILABILITY OF RESERVES & RESERVE FUNDS | | | | | | | | | | | | | | | | | |
| ASSUMPTIONS: DEBENTURE INTEREST RATE - AMORTIZED OVER 10 YEARS AT 9.25% - ANNUAL PRINCIPAL AND INTEREST PAYMENT PER \$1,000 - \$157,543,1208 | | | | | | | | | | | | | | | | | | | |
| 195.0 | PWD | OWNERS SHARE OF LOCAL IMPROVEMENTS-RESIDENTIAL | 1994 | 1994 | 710 | 178 | 532 | | | | | | | | | | | | |
| 196.0 | PWD | OWNERS SHARE OF LOCAL IMPROVEMENTS-RESIDENTIAL | 1995 | 1998 | 3,065 | 767 | 547 | 566 | 585 | 600 | | | | | | | | | |
| 197.0 | PWD | OWNERS SHARE OF LOCAL IMPROVEMENTS - RESIDENTIAL | 1999 | 2003 | 4,365 | 1,091 | | | | | 615 | 634 | 656 | 675 | 694 | | | | |
| Sub-total | | (NET OWNERS' COST - | | | 8,140 | 2,036 | 532 | 547 | 566 | 585 | 600 | 615 | 634 | 656 | 675 | 694 | | | |
| | | | | | 299,542 | 174,845 | 14,263 | 13,649 | 13,019 | 12,429 | 13,271 | 13,686 | 14,271 | 5,919 | 12,961 | 11,229 | | 18,530 | 2,25 |
| | | TOTAL CAPITAL BUDGET PROGRAM | | | | | | | | | | | | | | | | | |

DRAFT
Schedule No. "B"

1994-2003 PROVISIONAL CAPITAL BUDGET PROGRAM

PROJECTS BY YEAR ORDER WITH DEPARTMENT, SOURCE OF FINANCING & COSTS

DRAFT

| DESCRIPTION | PROJECT | | GROSS RECEIPTS | | NET FINANCING | | | | | | | | | | NATURE OF FUNDING | | ANNUAL DEBT OPERATING | | NOTES |
|--|---------|--------|--------------------------|---------|---------------|------|-------|------|-------|-------|-------|-------|-------|-------|-------------------|--------------|-----------------------|--|-------|
| | START | FINISH | COST | SUBSIDY | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2003 FUNDING | 2003 CHARGES | ANNUAL COST | | |
| | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) | (18) | (19) | (20) | (21) | |
| CONSIDERATION (Outside the Ten – Year Plan): | | | | | | | | | | | | | | | | | | | |
| LATION YORK ST. ENTRANCE | 1996 | 2003 | 7,800 | | | | | | 900 | 1,200 | 1,200 | 1,100 | 1,100 | 1,100 | | 1,229 | | REVISED PROVISION | |
| | 1997 | 1997 | 150 | | | | | 150 | | | | | | | | 24 | | | |
| | 2001 | 2002 | 5,520 | | | | | | | | | 3,520 | 2,000 | | | 870 | Unknown | | |
| | 1995 | 1995 | 525 | | | | | | | | | | | | | 83 | 25 | | |
| | 1999 | 1999 | 1,600 | | | | | | | 1,600 | | | | | | 252 | 60 | REVISED CONSTRUCTION START | |
| SCAPE & GARDENER'S COTTAGE) ATION | 1997 | 1998 | 820 | | | | | | 220 | 600 | | | | | | 129 | 10 | | |
| | 2001 | 2001 | 4,200 | 1,400 | | | | | | | | 2,800 | | | | 441 | 400 | | |
| | 2003 | 2004 | 10,200 | 3,400 | | | | | | | | | | 6,800 | | 1,071 | 510 | OUTSIDE 10 YEAR PLAN IN 1993 – REVISED SUBSIDY | |
| | 2003 | 2004 | 450 | 150 | | | | | | | | | | 300 | | 47 | | OUTSIDE 10 YEAR PLAN IN 1993 – REVISED SUBSIDY | |
| | 2003 | 2004 | 3,450 | 1,150 | | | | | | | | | | 2,300 | | 362 | 150 | OUTSIDE 10 YEAR PLAN IN 1993 – REVISED SUBSIDY | |
| IENT PROGRAMME (Part) | 2003 | 2004 | 13,600 | 4,533 | | | | | | | | | | 9,067 | | 1,428 | 600 | OUTSIDE 10 YEAR PLAN IN 1993 – REVISED SUBSIDY | |
| | 2003 | 2004 | 6,000 | 2,000 | | | | | | | | | | 4,000 | | 630 | 350 | OUTSIDE 10 YEAR PLAN IN 1993 – REVISED SUBSIDY | |
| | 1996 | 2003 | 2,400 | | | | 100 | 200 | 300 | 300 | 300 | 300 | 300 | 300 | | 378 | 38 | REVISED PROVISION | |
| | 1994 | 2003 | 5,400 | | 300 | 400 | 500 | 600 | 600 | 600 | 600 | 600 | 600 | 600 | | 851 | 13 | REVISED PROVISION | |
| | 2001 | 2001 | 788 | | | | | | | | | 788 | | | | 124 | 7 | | |
| ARIOUS LOCATIONS | 1999 | 2001 | 469 | | | | | | | 160 | 250 | 59 | | | | 74 | | | |
| | 1999 | 2000 | 569 | | | | | | | 569 | | | | | | 90 | | | |
| | 1998 | 1998 | 620 | | | | | | 620 | | | | | | | 98 | | NEW | |
| | 1995 | 1995 | 2,323 | | | | 2,323 | | | | | | | | | 366 | 40 | NEW | |
| | 1998 | 2000 | 382 | | | | | | | 164 | 114 | 104 | | | | 60 | 5 | NEW | |
| PARADISE TO HARBOURFRONT PARK | 1997 | 2001 | 1,526 | | | | | | 276 | 290 | 305 | 320 | 335 | | | 240 | 225 | OUTSIDE 10 YEAR PLAN IN 1993 | |
| | 1998 | 1998 | 1,300 | 155 | | | | | 1,145 | | | | | | | 180 | | ADVANCED FROM 2001 TO 1998 | |
| | 1998 | 2001 | 800 | | | | | | 200 | 200 | 200 | 200 | | | | 126 | 21 | OUTSIDE 10 YEAR PLAN IN 1993 | |
| | 2002 | 2004 | 765 | | | | | | | | | 220 | 545 | | | 121 | 27 | NEW | |
| | | | | 71,657 | 12,788 | 300 | 3,348 | 700 | 2,446 | 5,119 | 5,048 | 2,974 | 9,702 | 4,220 | 25,012 | | 9,274 | 2,481 | |
| | | | (NET CITY COST – 58,869) | | | | | | | | | | | | | | | | |

1994 - 2003 PROVISIONAL CAPITAL BUDGET PROGRAM

DRAFT
Schedule

PROJECTS BY YEAR ORDER WITH DEPARTMENT, SOURCE OF FINANCING & COSTS

(Thousands of Dollars)

DRAFT

| PROJ NO. | DEPT (2) | PROJECT DESCRIPTION (3) | PROJECT | | GROSS RECEIPTS | | NET FINANCING | | | | | | | | | | NATURE OF FUNDING | ANNUAL DEBT CHARGES | ANNUAL OPERAT COST |
|---|-------------|---|---------|--------|----------------|---------|---------------|------|------|------|------|------|------|------|------|--------|-------------------------|---------------------------|--------------------------|
| | | | START | FINISH | COST | SUBSIDY | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | (18) | (19) | (20) |
| (1) | | | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) | | | |
| GROWTH RELATED PROJECTS FOR FUTURE CONSIDERATION (Outside the Ten - Year Plan): | | | | | | | | | | | | | | | | | | | |
| 125.0 | C&R | SOUTH/EAST MOUNTAIN RECREATION CENTRE | 2003 | 2004 | 12,600 | 4,200 | | | | | | | | | | 8,400 | | 1,323 | 71 |
| 126.0 | C&R | SOUTH/WEST MOUNTAIN RECREATION CENTRE | 2003 | 2004 | 12,800 | 4,266 | | | | | | | | | | 8,534 | | 1,344 | 71 |
| 176.0 | HPL | NEW LIBRARY BRANCH CONSTRUCTION - SOUTH EAST MOUNTAIN | 2003 | 2004 | 8,349 | 2,783 | | | | | | | | | | 5,566 | | 877 | 1,11 |
| 177.0 | HPL | NEW LIBRARY BRANCH CONSTRUCTION - SOUTH WEST MOUNTAIN | 2003 | 2004 | 5,606 | 1,869 | | | | | | | | | | 3,737 | | 589 | 61 |
| <i>Sub-total Availability of Funding from Development Charge (NET CITY COST - 26,237)</i> | | | | | 39,355 | 13,118 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26,237 | | 4,133 | 3,21 |

NOTE:

GROWTH RELATED PROJECT - TIMING DEPENDS ON THE AVAILABILITY OF FUNDING FROM THE RESERVE FOR DEVELOPMENT CHARGES.

BUDGET AS PROPOSED REFLECTS PROJECTED DEVELOPMENT CHARGE FUNDING AVAILABILITY BASED UPON PRESENT DEVELOPMENT CHARGE LEVELS ONLY.

PROJECTS COMBINED OR DELETED (NOT REQUIRED):

| | | | | | | | | | | | | | | | | | | | |
|-------|-------|--|------|------|-------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| 15.0 | PROP | INCH PARK POOL - POOL FILTRATION RENOVATIONS | 1994 | 1994 | 439 | | | | | | | | | | | | | | |
| 30.0 | PROP | PARKDALE POOL - POOL FILTRATION RENOVATION | 1995 | 1995 | 448 | | | | | | | | | | | | | | |
| 41.0 | PROP | CORONATION POOL - POOL FILTRATION RENOVATION | 1997 | 1997 | 470 | | | | | | | | | | | | | | |
| 54.2 | PROP | CENTRAL FIRE - REPLACE FLAT ROOFS | 1995 | 1995 | 5 | | | | | | | | | | | | | | |
| 54.3 | PROP | WEST AVENUE SCHOOL - RETROFIT HEATING SYSTEM | 1995 | 1995 | 10 | | | | | | | | | | | | | | |
| 55.0 | PROP | MAJOR ACCOMMODATION REFURBISHING - CITY HALL | 1998 | 1999 | 500 | | | | | | | | | | | | | | |
| 66.0 | FIRE | RETROFIT FOUR FIRE STATIONS WITH SPRINKLER SYSTEMS | 1999 | 1999 | 1,070 | | | | | | | | | | | | | | |
| 90.0 | PWD-S | FERGUSON YARD - CONSTRUCTION - PHASE 2 | 1995 | 1995 | 170 | | | | | | | | | | | | | | |
| 95.0 | PWD-S | BRAMPTON STREET YARD CONSTRUCTION | 1998 | 1999 | 1,050 | | | | | | | | | | | | | | |
| 110.0 | C&R | HAMILTON-SCOURGE PROJECT | 1994 | 1994 | 110 | | | | | | | | | | | | | | |
| 170.0 | HECFI | HAMILTON PLACE - SPRINKLER SYSTEM | 1994 | 1994 | 900 | | | | | | | | | | | | | | |
| | | | | | 5,172 | | | | | | | | | | | | | | |

DEPARTMENT ABBREVIATION:

C&R CULTURE AND RECREATION
 ENG REGIONAL TRANSPORT/
 ENVIRONMENTAL SERVICES GROUP
 HD HOUSING DEPARTMENT
 HECFI HAMILTON ENTERTAINMENT AND
 CONVENTION FACILITIES INC.

HRC HUMAN RESOURCE CENTRE
 HSPCA THE HAMILTON SOCIETY FOR THE
 PREVENTION OF CRUELTY TO ANIMALS
 IS INFORMATION SYSTEMS DEPARTMENT
 PA PARKING AUTHORITY
 PLAN PLANNING DEPARTMENT

PUBLIC WORKS - COMMUNITY RENEWAL
 PUBLIC WORKS - LOCAL ROADS
 PUBLIC WORKS - PARKS DIVISION
 PUBLIC WORKS - STREETS DIVISION
 TRAFFIC DEPARTMENT
 TREASURY DEPARTMENT

HPL HAMILTON PUBLIC LIBRARY
 PROP PROPERTY DEPARTMENT

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 March 2

CONSENT AGENDA

A. DIRECTOR OF PROPERTY

Release of Building Covenants - City Sale of Hamilton Finlay Fish Limited, 330 Nash Road North, Hamilton - Part of Parcel "A", Plan 1299, Nashdale Industrial Estates No. 2 Construction Covenants as Contained in City Deed 84714 A.B.

B. DIRECTOR OF PUBLIC WORKS

- (i) Main Street Esplanade Business Improvement Area - Proposed Budget and Schedule of Payments for 1994
- (ii) Barton Street Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payments for 1994.

C. BUILDING COMMISSIONER

- (i) Demolition Permit - 150 Catharine Street South
- (ii) Demolition Permit - 152 Catharine Street South
- (iii) Demolition Permit - 43 Strathcona Avenue North

URBAN &
FEB - 1994
GOVERNMENT OF CANADA

A.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 February 18

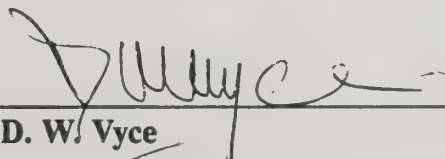
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: D. W. Vyce
Director of Property

SUBJECT: Release of Building Covenants
City Sale to Hamilton Finlay Fish Limited
330 Nash Road North, Hamilton
Part of Parcel "A", Plan 1299
Nashdale Industrial Estates No. 2
Construction Covenants as Contained in
City Deed 84714 A.B.

RECOMMENDATION:

That the Mayor and City Clerk be authorized and directed to execute the necessary documents to release the property at 330 Nash Road North, Hamilton, from the construction covenants to the City as contained in City Deed 84714 A.B. registered on 1968 March 18.



D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In adopting Item 18 of the 21st Report of the Board of Control, City Council on 1967 September 26 approved the sale of part of Parcel "A", Nashdale Industrial Estates No. 2, Registered Plan 1299 to Hamilton Finlay Fish Limited.

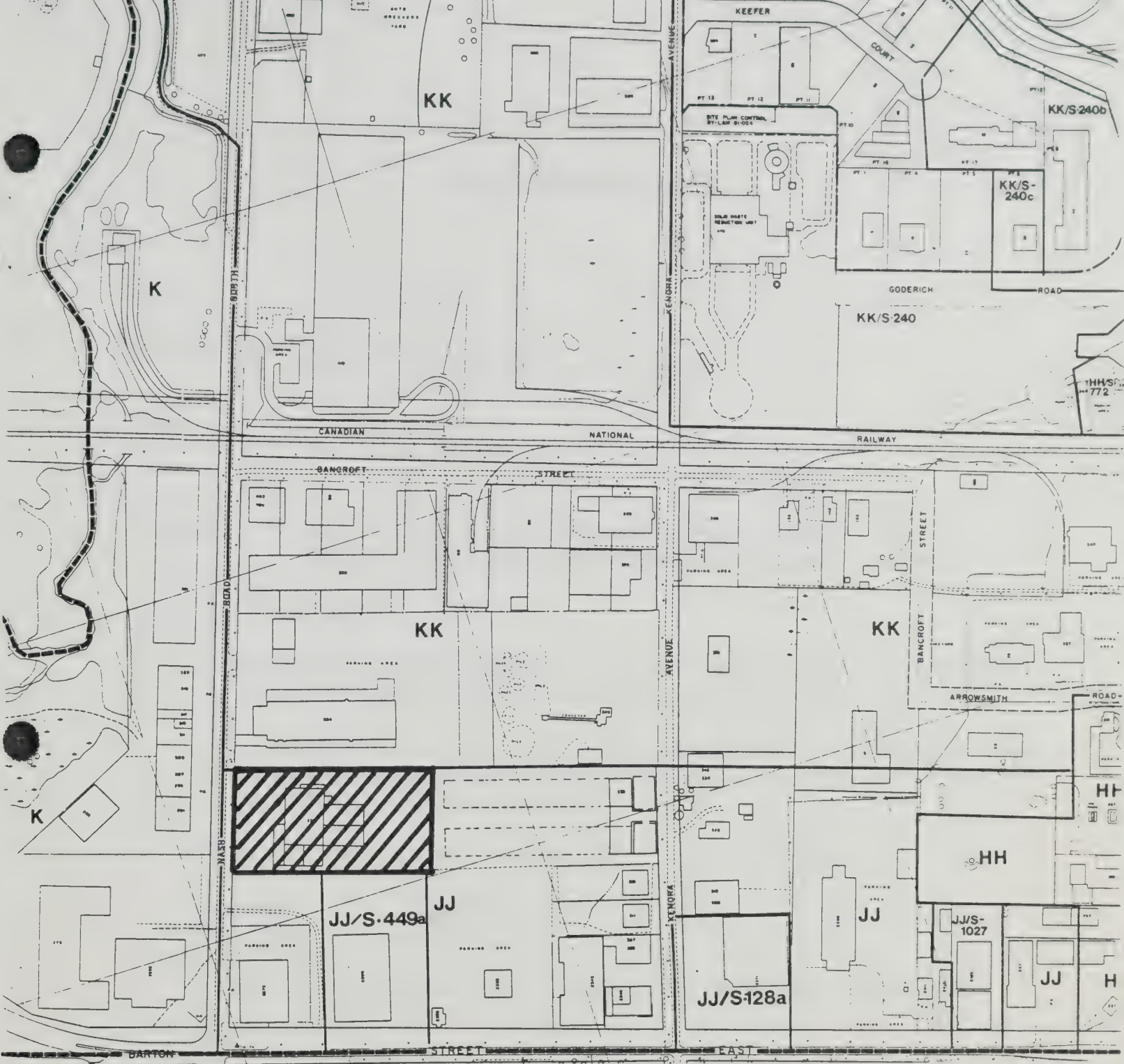
1994 February 18
Planning and Development Committee
Page 2

This transaction was completed on 1967 November 30, and registered under City Deed 84714 A.B. on 1968 March 18.

The requirements as noted in the construction covenants under City Deed 84714 A.B. have been met and this department supports the request of the owners that the City of Hamilton release the construction covenants contained in City Deed 84714 A.B. in order to clear the title.

DJC/nw
Attach.

c.c. P. Noé Johnson, City Solicitor, Law Department
Attention: D. Powers



| | | |
|-----|-----|-----|
| | 27 | 28 |
| 108 | 104 | 94 |
| 99 | 85 | 115 |

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department

CITY OF HAM
NASHDA
ZONING

Neighbourhood Boundary
Zoning Boundary.

0
SCALE 50m

Prepared for The City of Hamilton
by the Planning and Development Department
of The Regional Municipality of Hamilton Wentworth

PLANNING
UNIT NO.
6411
JUNE 198

B (i)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 February 21

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

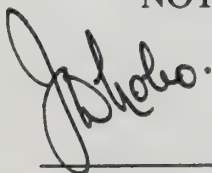
SUBJECT: Main Street Esplanade Business Improvement Area
(B.I.A.). Proposed Budget and Schedule of Payments for 1994.

RECOMMENDATION:

- a) That the 1994 operating budget of the Main Street Esplanade B.I.A. be approved in the amount of four thousand, four hundred dollars (\$4,400.); and,
- b) That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1994 budget as referenced in (a) above; and,
- c) That the following Schedule of Payments for 1994 be approved:

| | |
|-----------|----------|
| March 01 | \$2,200. |
| August 01 | \$2,200. |

NOTE: 1993 Levy Arrears will be deducted from the two payments for 1994.



Mr. D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of four thousand, four hundred dollars (\$4,400.) is totally levied by the B.I.A. through its members. There is not cost to the City of Hamilton for any part of this operating budget.

**Main West Esplanade B.I.A.
Proposed budget & payment schedule
continued.....**

Page 2

BACKGROUND:

At its Annual General Meeting held 1994 January 27, the Main West Esplanade B.I.A. adopted a budget of four thousand four hundred dollars (\$4,400.) for the 1994 calendar year.

MG:mg

c.c. Mr. A. Ross, City Treasurer
Treasury Department
Attn: Mr. T. Bradbury, Asst. Supervisor Business Tax

MAIN WEST ESPLANADE

BUDGET

EXPENSES

REVENUE

Administration

| | |
|--------------|--------|
| Bank Charges | 25.00 |
| Insurance | 375.00 |
| Auditor | 300.00 |
| Meetings | 400.00 |

| | |
|-----------------|---------|
| 1994 Levies | 4400.00 |
| Christmas Grant | 1000.00 |

Maintenance

| | |
|------------------|---------|
| Christmas Decor | 1600.00 |
| Barrier Cleaning | 300.00 |
| Hydro | 1400.00 |

| | |
|-------|---------|
| TOTAL | 4400.00 |
|-------|---------|

oustanding levies
93'

| |
|---------|
| 1000.00 |
|---------|

TOTAL BUDGET

| |
|---------|
| 5400.00 |
|---------|

TOTAL

| |
|---------|
| 5400.00 |
|---------|

TOTAL AMOUNT TO BE LEVIED IN 1994

\$4400.00

CITY OF HAMILTON
- RECOMMENDATION -

B. (ii)

DATE: 1994 February 17

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo
Director of Public Works

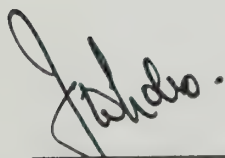
SUBJECT: Barton Street Business Improvement Area (B.I.A.)
Proposed Budget and Schedule of Payments for 1994.

RECOMMENDATION:

- a) That the 1994 operating budget of the Barton Street B.I.A. (attached as Schedule 'A') be approved in the amount of five thousand, seven hundred and fifty dollars (\$5,750.); and,
- b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, of the Municipal Act, R.S.O. 1990, to levy the 1994 budget as referenced in (a) above; and,
- c) That the following Schedule of Payments for 1994 be approved:

1994 April 01
1994 September 01

NOTE: 1993 levy arrears will be deducted from the two payments for 1994.



Mr. D. Lobo
Director of Public Works

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The amount of five thousand, seven hundred and fifty dollars (\$5,750.) is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

BACKGROUND:

At its Annual General Meeting held 1994 February 16, the Barton Street B.I.A. adopted a budget of five thousand, seven hundred and fifty dollars (\$5,750.) for the 1994 calendar year.

HM:hm

Attach.

c.c. Mr. A. Ross, City Treasurer
Treasury Department
Att: Mr. T. Bradley, Asst. Supervisor Business Tax

BARTON STREET BUSINESS IMPROVEMENT AREA

APPROVED BUDGET FOR 1994

| | |
|-----------------------|-----------------|
| Barton Bash | \$2,000. |
| Promotion | 1,000. |
| Administration | 700. |
| Insurance | 400. |
| Bank Charges | 75. |
| Audit | 300. |
| Project | 1,000. |
| 5% contingency | 275. |
| TOTAL | \$5,750. |

CITY OF HAMILTON
- RECOMMENDATION -

C. (i)

DATE: February 16, 1994

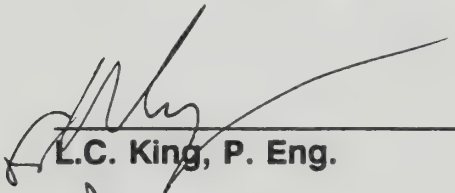
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
150 CATHARINE STREET SOUTH - Tag Number 78912
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for **150 CATHARINE STREET SOUTH.**



L.C. King, P. Eng.


LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: Please refer to the attached background history of this property. ZA-93-41 is in by-law form and waiting for approval. See comment below.

PRESENT ZONING: E-3

PRESENT USE: Empty Single Family Dwelling

PROPOSED USE: Parking Lot (temporary)

BRIEF DESCRIPTION: 2½ storey brick house

ZA-93-41 will allow the E-3 zone to be modified to allow a parking lot for a period of three (3) years. The by-law resolution states that the buildings at 150 and 152 Catharine Street South must be demolished before the by-law is approved.

The owner of the property as per the demolition permit is:

Buckingham York
57 John Street North
Hamilton, Ontario

CITY OF HAMILTON
- RECOMMENDATION -

C. (ii)

DATE: February 16, 1994

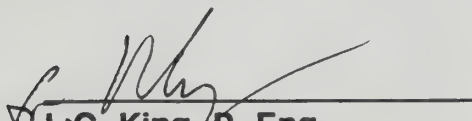
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
152 CATHARINE STREET SOUTH - Tag Number 78911
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for
152 CATHARINE STREET SOUTH.



L.C. King, P. Eng.
LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: Please refer to the attached background history of the property. ZA-93-41 is in by-law form and waiting for approval. See comment below.

PRESENT ZONING: E-3

PRESENT USE: Empty Single Family Dwelling

PROPOSED USE: Parking Lot (temporary)

BRIEF DESCRIPTION: 2½ storey brick house

ZA-93-41 will allow the E-3 zone to be modified to allow a parking lot for a period of three (3) years. The by-law resolution states that the buildings at 150 and 152 Catharine Street South must be demolished before the by-law is approved.

The owner of the property as per the demolition permit is:

Buckingham York
57 John Street North
Hamilton, Ontario

C. (iii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: February 21, 1994

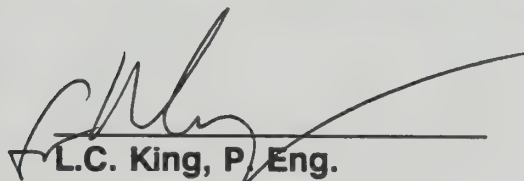
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
43 STRATHCONA AVENUE NORTH - Tag Number 91272
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 43 STRATHCONA AVENUE NORTH.


L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E

PRESENT USE: Single Family Dwelling

PROPOSED USE: Parish Hall for Church

BRIEF DESCRIPTION: 2 storey double brick house

The church will require this lot in order to build a new hall which will be attached to the church. Plans are being submitted for Site Plan Control. No LACAC interest.

The owner of the property as per the demolition permit is:

Hellenic Community
22 Head Street
Hamilton, Ontario

URBAN/MUNICIPAL
CA4 ON HBL AOS
CSIP4
1994



Urban Municipal
Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 March 23
9:30 o'clock a.m.
Room 233, City Hall

URBAN M
MAR
GOVERNMENT
1994!

Tina Agnello

Tina Agnello, Secretary
Planning and Development Committee

A G E N D A:

9:30 O'CLOCK A.M.

PUBLIC MEETING

1. Zoning Application 93-47, 200 Rymal Road Inc. (J.A. Parente), owner, for a further modification to the established "DE-3" District regulations for lands located at No. 200 Rymal Road East; Allison Neighbourhood.

Submissions: (a) Kevin McGill, 44 Springside Drive, Hamilton
(b) Janice Lattin, Trans Canada Pipelines, Calgary, Alberta
- 2.(a) Rental Housing Protection Act Application - 280 Weir Street North; Homeside Neighbourhood 9CU-93-001)

- (b) Zoning Application 93-32, M. Ilich, owner, for a modification to the established "DE" District regulations, for lands located at No. 280 Weir Street North; Homeside Neighbourhood.

3. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) Rental Housing Protection Act Application - 718-732 Dunn Avenue (SE-93-001) (previously tabled).
- (b) Extension of the hours of sale of liquor in restaurants (PA-BILL).

10:30 O'CLOCK A.M.

4. DIRECTOR OF LOCAL PLANNING

City of Hamilton Response - Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan (previously tabled).

5. CONSENT AGENDA

6. OTHER BUSINESS

7. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

| Item No. | Item | Original Date | Action | Status |
|----------|--|------------------|--|---|
| 1. | Mobile Signs | | Planning | Report Pending |
| 2. | C.I. 90-F - Parking requirements in the Central Business District | 1990 July 25 | Planning | Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee |
| 3. | ZA-91-12 - 25 Hess Street South | 1992 June 24 | Applicant | Tabled for negotiations between parties |
| 4. | Definition of "Foster Home" and "Residential Care Facility" | 1992 November 18 | Alderman T. Cooke | Planning & Building Departments to prepare a report |
| 5. | Lot Grading with respect to Land Severance Applications creating 1, 2 & 3 Lots | 1993 February 3 | Alderman H. Merling | Tabled to allow previous Sub-Committee to review matter |
| 6. | Implementation of Public Participation Policies - Central Area Plan | 1993 March 24 | Planning | Planning to prepare guidelines based on CAPIC Report dated 1993 March 11 |
| 7. | Front Yard Parking Regulations - Review for Designated Residential Properties and Older Neighbourhoods | 1993 July 21 | Planning & Traffic | Tabled to allow review by Staff |
| 8. | Possible amendment to By-law 77-224 Re: Pumps and Filters for Swimming Pools | 1993 October 6 | Building Commissioner and Director of Local Planning | Report Pending |

| Item No. | Item | Original Date | Action | Status |
|----------|---|------------------|-------------------------------------|--|
| 9. | Closure of Walkway between Fonthill Road and Upper Paradise Road | 1993 November 3 | Transport and Environment Committee | Awaiting recommendation on assumption of walkway |
| 10. | Review of Parking Lot Regulations - Minimum lighting requirement for safety | 1993 November 3 | Planning | Report Pending |
| 11. | Response: Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan | 1993 December 8 | Ald. Merling | Tabled to 1994 Feb. 2 |
| 12. | Report on Merits of having Regional Planning Department back to City level | 1994 February 16 | J. Pavelka, C.A.O. | Tabled to March 2 |

Tina Agnello, Secretary
1994 March 17

1.
MAR 16

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 March 14
ZAR-93-47
Allison Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a further modification in zoning - 200 Rymal Road East

RECOMMENDATION:

That approval be given to Zoning Application ZAR-93-47, 200 Rymal Road Inc. (John A. Parente) owner, requesting a further modification to the established "DE-3" (Multiple Dwellings) District regulations to permit the development of the subject lands for multiple dwellings and/or townhouses on lands at 200 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

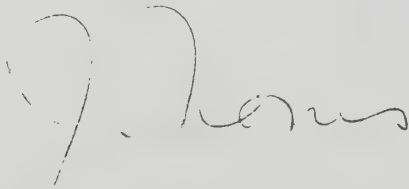
- i) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of By-law No. 6593, as amended by By-law No. 92-211, applicable to the subject lands be further modified to include the following variance as a special requirement:
 - a) That notwithstanding Section 10C(1) of Zoning By-law No. 6593, townhouse dwellings will be permitted subject to the "RT-20" (Townhouse - Maisonette) District provisions of Section 10E.
- ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1278b, and that the subject lands on Zoning District Map E-9E be notated S-1278b;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9E for presentation to City Council; and,

- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

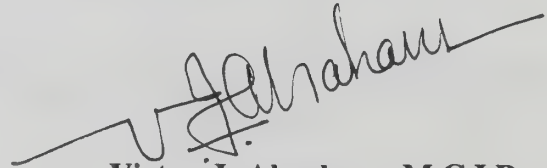
EXPLANATORY NOTE:

The purpose of the by-law is to provide a further modification to the "DE-3" (Multiple Dwellings) District regulations for lands at 200 Rymal Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law to permit the development of the subject lands for multiple dwellings and/or townhouses.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



Victor J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is requesting a further modification in the existing "DE-3" (Multiple-Dwellings) District regulations to allow the development of the subject lands for multiple dwellings and/or townhouses.

- Site Plan Control Application DA-93-37

A Site Plan Control Application was received in November, 1993, to develop the subject lands for 43 townhouse units. The application is currently on hold pending the outcome of the subject zoning application.

- By-law No. 93-161

City Council, on July 27, 1993, passed By-law No. 93-161, which deleted townhouse dwellings as a permitted use in the "DE-3" (Multiple Dwellings) District, amongst other zoning districts.

In considering this matter at their meeting of July 21, 1993, the Planning and Development Committee heard a submission from the applicant that their intent, through the approval of By-law No. 92-211, had been to develop the subject lands for multiple dwellings and/or townhouses. On this basis, they did not support the proposed by-law to delete townhouses from the multiple dwellings districts (e.g. "DE-3" (Multiple Dwellings) District). The Planning and Development Committee agreed that the applicant would have until November 1, 1993, to receive site plan approval on the subject lands, at which time the by-law (By-law 93-161), if passed, would be amended to allow an exemption for the subject lands. The applicant did not meet this condition and, subsequently, the subject zoning application has been submitted.

- By-law No. 93-042

On February 23, 1993, City Council passed By-law No. 93-042. The purpose of this by-law was to rezone lands to the south from "AA" (Agricultural) District to "B-2" (Suburban Residential) District, modified to allow not more than 29 lots to have a width of not less than 15.0 m and an average lot area of 510.03 m², to "C" (Urban Protected Residential, etc) District and to "R-4" (Small Lot Single-Family Detached District, in accordance with an approved plan of subdivision (see APPENDIX "B" attached).

- By-law No. 93-038

City Council, on February 23, 1993, passed By-law No. 93-038, which rezoned lands to the south from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District and to "R-4" (Small Lot Single-Family Detached) District (see APPENDIX "B" attached).

- By-law No. 92-270

City Council, on October 27, 1992, passed By-law No. 92-270, which rezoned a 2.88 m strip immediately to the east to "DE-3" (Multiple Dwellings) District, modified to prohibit street townhouse dwellings from fronting directly onto Upper Wellington Street and Rymal Road (see APPENDIX "B" attached).

- By-law No. 92-211

City Council, on August 25, 1992, City Council passed By-law No. 92-211 which rezoned the subject lands from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District, modified and adjacent lands to the west fronting onto Rymal Road from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District. Variances to the "DE-3 (Multiple Dwellings) District included the following:

- to require a minimum 21.0 m wide setback for any buildings or structures, except a fence, measured from the westerly lot line;
- to require a landscaped area of not less than 21.0 m in width be provided and maintained along the westerly lot line and prohibits street townhouses fronting on Rymal Road and Upper Wellington; and,
- to require a visual barrier of not less than 1.2 m and not more than 2.0 m be provided and maintained along the entire westerly lot line.

APPLICANT:

200 Rymal Road Inc. (John A. Parente), owner.

LOT SIZE AND AREA:

The subject lands have:

- a frontage of approximately 120 m (393.7 feet) on Rymal Road East;
- a depth of approximately 85 m (278.9 feet); and,
- a lot area of approximately 10,000 m² (107,642.6 feet² or 2.47 acres).

LAND USE AND ZONING:

| | <u>Existing Land Uses</u> | <u>Existing Zoning</u> |
|----------------------|---------------------------|--|
| <u>Subject Lands</u> | Vacant | "DE" (Low Density Multiple Dwellings) District, modified |

Surrounding Lands

| | | |
|--------------|------------------------------------|---|
| to the north | Vacant and Single Family Dwellings | "AA" (Agricultural) District |
| to the east | Cemetery | "AA" (Agricultural) District |
| to the south | Vacant | "R-4" (Small Lot Single Family Dwellings) District |
| to the west | Vacant and Single Family Dwellings | "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District |

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst other apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
 - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;
 - vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;
 - ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;"

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Low Density Apartments" in the approved Allison Neighbourhood Plan. The proposal to develop townhouses on the subject lands conflicts with the intent of the approved Neighbourhood Plan and an amendment will be required to redesignate the lands to "Attached Housing". If the lands are developed for multiple dwellings than an amendment to the Neighbourhood Plan will not be required.

COMMENTS RECEIVED:

- The Building Department and the Hamilton Region Conservation Authority advise they have no comment or objection.

- The Traffic Department advises:

"Provided that no street townhouses are permitted to have direct frontage onto Rymal Road or Upper Wellington, we find the requested zoning modifications to be satisfactory."

- The Roads Department advises:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Rymal Road East is 36.58m. According to our records, the Region previously acquired Part 3 of Reference Plan 62R-1201 by Instrument No. 188447 C.D. (Parcel 185). Therefore, no further road allowance widenings on Rymal Road East are required.

For the information of the Committee, Upper Wellington Street will be extended to the south of Rymal Road East as a mid-block collector street into the neighbourhood which will require a 12.19m x 12.19m daylight triangle at the south-west corner of Rymal Road East and the Upper Wellington Street frontage.

We recommended, as a condition of a previous zoning approval, that the subject lands be developed under a draft plan of subdivision with the lands to the south (Allison Estates), to the satisfaction of the Regional Roads Department...

...Comments from the City of Hamilton Traffic Department with respect to access should be received..." (See APPENDIX "C" for full comments).

- TransCanada PipeLines advises:

"TransCanada PipeLines's facilities are located in the Hydro Corridor to the south of this location. We have no objections to this rezoning subject to the following conditions:

- 1) Should any blasting be required at the site, a report on the methods and charges to be used must be prepared by a qualified blasting engineer and submitted for TransCanada's approval prior to the commencement of blasting operation on the site.
- 2) The owner must ensure that all contractor(s) and sub-contractors are fully aware of and observe the foregoing conditions."

COMMENTS:

- 1) The proposal complies with the intent of the Official Plan.
- 2) The proposal to develop the subject lands for townhouses conflicts with the intent of the approved Allison Neighbourhood Plan and an amendment will be required to redesignate the lands to "Attached Housing". If the lands are developed for multiple dwellings than an amendment is not required.
- 3) The applicant had originally intended to develop the subject lands for multiple dwellings and/or townhouses through Zoning Application ZA-91-76 which resulted in the passing of By-law No. 92-211. When Planning and Development Committee considered City Initiative CI-93-A to delete townhouses from the multiple dwellings districts (e.g. "DE-3" (Multiple Dwellings) District) (which resulted in By-law No. 93-161), they agreed to give the applicant until November 1, 1993, to receive site plan approval on the subject lands and By-law No. 93-161 would be amended to allow an exemption for the subject lands. The applicant did not meet this condition and has subsequently made the present application.

In essence, approval of the proposed modification would have the effect of re-establishing the previous approval (By-law No. 92-211) to allow for townhouses and/or multiple dwellings on the subject lands.

Further the proposal can be supported on the following basis:

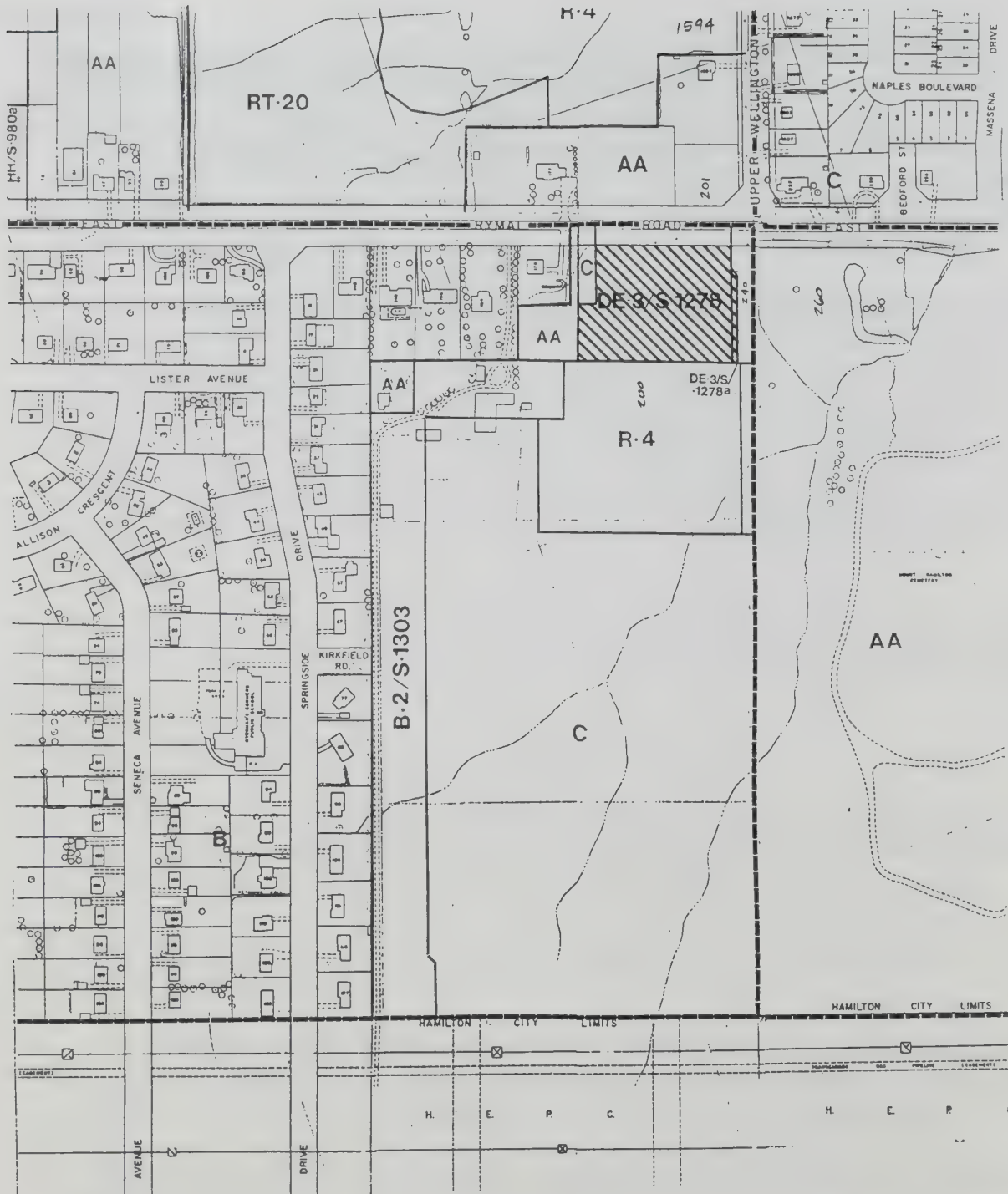
- it complies with the intent of the Official Plan by providing for RESIDENTIAL development with a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
 - it would be compatible with the existing and planned low density development in the surrounding area; and,
 - it is suitably located at the intersection of two major roads (Rymal Road East and Upper Wellington Street, is on a public transit route, and is within close proximity to existing and planned commercial development along Rymal Road East.
- 4) In keeping with the Traffic Department's comments, By-law No. 92-211 prohibits the development of the subject lands for street townhouses.
 - 5) The comments received from the Roads Department also included comments with respect to conditions pertaining to the draft plan of subdivision and the site plan control application. A full copy of their comments are found in APPENDIX "C" attached.

- 6) The requested "DE-3" (Multiple Dwellings) District zoning is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. Matters such as parking, loading, access, grading, landscaping and fencing, the concerns of TransCanada PipeLines, etc. will be dealt with at the site plan control stage of development.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

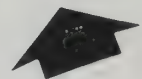
CLF/
93-47



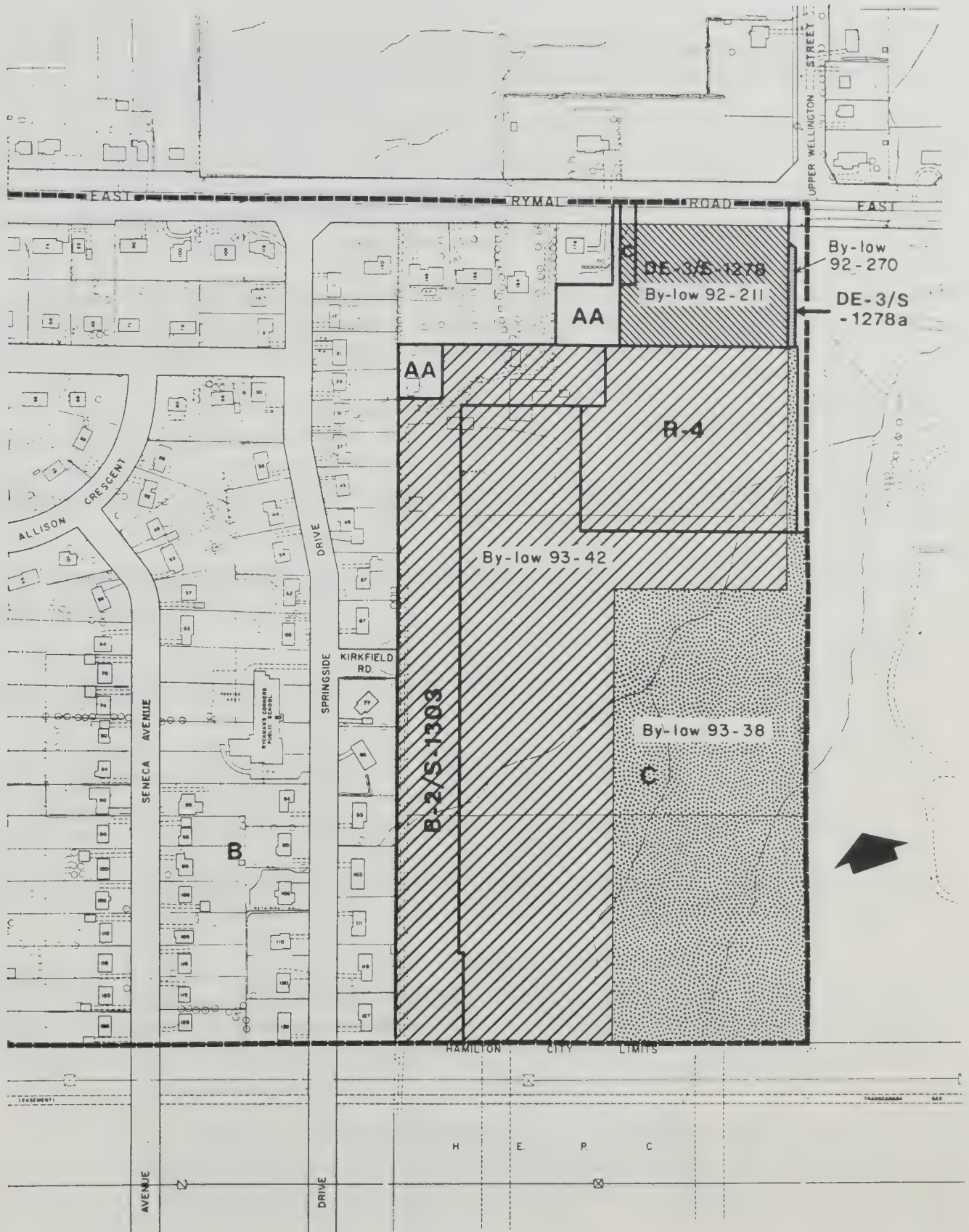
Legend



Site of the Application



ZAR-93-47



APPENDIX "C"

ROADS DEPARTMENT COMMENTS

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Rymal Road East is 36.58m. According to our records, the Region previously acquired Part 3 of Reference Plan 62R-1201 by Instrument No. 188447 C.D. (Parcel 185). Therefore, no further road allowance widenings on Rymal Road East are required.

For the information of the Committee, Upper Wellington Street will be extended to the south of Rymal Road East as a mid-block collector street into the neighbourhood which will require a 12.19m x 12.19m daylight triangle at the south-west corner of Rymal Road East and the Upper Wellington Street frontage.

We recommended, as a condition of a previous zoning approval, that the subject lands be developed under a draft plan of subdivision with the lands to the south (Allison Estates), to the satisfaction of the Regional Roads Department.

For the information of the applicant/owner, we will recommend as a condition of draft plan of subdivision approval that:

- 1) A daylight triangle be dedicated to the Region at the south-west corner of Rymal Road East and the Upper Wellington Street extension shown as Part 1 of Reference Plan 62R-12407. This triangle when combined with a portion of Part 4 of Reference Plan 62R-12407 (which is to be incorporated into the Upper Wellington Street extension road allowance) will establish a 12.19m x 12.19m daylight triangle.
- 2) The applicant/owner acquire the following excess lands from the Region of Hamilton-Wentworth of the City of Hamilton, which are not required for daylight triangle road widening purposes or the extension of Upper Wellington Street, south of Rymal Road East and incorporate these lands into the lands to be developed:
 - a) Part 2 of Reference Plan 62R-12407
 - b) Part 3 of Reference Plan 62R-12407

- 3) The applicant/owner purchase the following lands from the Region of Hamilton-Wentworth or the City of Hamilton, which are to be incorporated into the Upper Wellington Street extension:
 - a) Part 4 of Reference Plan 62R-12407
 - b) Part 6 of Reference Plan 62R-12407
 - c) Part 7 of Reference Plan 62R-12407
 - d) Part 8 of Reference Plan 62R-12407
- 4) The applicant/owner pay to the City/Region all outstanding servicing costs for the extension of Upper Wellington Street, south of Rymal Road East adjacent to the subject lands and the lands to the south (Allison Estates).
- 5) That the 26.0m road allowance of the Upper Wellington Street extension be established.
- 6) That the extension of Upper Wellington Street be constructed during the development state.

Comments from the City of Hamilton Traffic Department with respect to access should be received.

In addition, for your information, we made the following comments with respect to grading concerns for the site plan (DA-93-37).

The grading plan submitted, dated Nov 4, 1993, can be approved when the following items have been revised.

- 1) The plan submitted must be clearly stamped by an Engineer or Architect.
- 2) The applicant has informed us that he does not intend to connect the rainwater leaders directly into the storm sewers and these plans have been reviewed on this basis.

We require a stormwater management report, prepared by a qualified Water Resources Engineer, proving that the on site drainage will be contained within the property boundaries in the event of a major storm. We also require the location of the rainwater leader discharge points to be shown on the grading plan.

The buildings abutting Rymal Road and Upper Wellington Street are not allowed to discharge their storm runoff into the road allowances since there will be a significant increase in runoff due to the addition of the roof areas.

We also require additional catch basins at these locations on site to intercept any runoff into the road allowances, at the north west, north east and south east corners, all of the basins to be entirely on private property.

We are also concerned about the grading of the internal roadway, we require a high point at property line and the catch basins moved inside private property to prevent runoff by-passing the catch basins and flowing into the road allowances. Two more basins should be located on the internal roadway inside the site.

- 3) Proposed and existing elevations must be shown at 15m intervals along all property lines and at all bends in lot lines. The sidewalks shown on the grading plan must [be] marked "proposed" and installed through the plan of subdivision for Allison Estates."

1a)

11/11/93

COMMENTS: 141 ZAR-93-47

1) HOW OFTEN WILL THE ZONINGS BE CHANGED IN THIS AREA, IT SEEMS THAT IT WILL BE AN ON-GOING PROCESS UNTIL THE OWNERS OBTAIN THE ZONING THEY WANT THEM BEST.

MAR 09 1994

2) I THINK THAT IF OUR IN-BOX IS REQUIRED TO PASS THESE CHANGES WE SHOULD BE INTERMED AS TO THE RESULTS OF THE RESPONSE IE:

a) HOW MANY CARDS ARE ISSUED TO THE SURROUNDING HOME OWNERS.

b) HOW MANY ARE ACTUALLY RETURNED TO THE PLANNING DEPT.

c) THE PERCENTAGE OF INFAVOUR AND OPPOSED AS RECEIVED IN THE PLANNING DEPT.

d) HOW ARE NON-RETURNS COUNTED, FOR - AGAINST, OR NOT COUNTED IN THE OVERALL PERCENTAGES.

3) WILL THE RESIDENTS OF SPRINGSIDE DRIVE AND ALL OF THE ALLISON SURVEY BE HOOKED UP TO THE SEWER SYSTEM IN THE NEAR FUTURE?

3)2 - It is my understanding that
the residents have to pass a majority
request for sewers before we will
get them, I think the city should
bring our survey out of the 1950's
and into the 1990's.

I can't speak for everyone but
I would like to improve my
residence but without sewers this
won't happen.

Kevin McGill
44 SPRINGSIDE DRIVE
HAMILTON, ONTARIO
L9B 1M7

PH (905) 389-0288

Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noé Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, Alderman D. Drury, Chairperson, Planning and Development Committee, Alderman F. Eisenberger, Vice-Chairperson, Planning and Development Committee dated - 1993

1994 March 15

16



TransCanada Pipelines

TRANSCANADA PIPELINES TOWER, 111 - FIFTH AVENUE S.W.
P.O. BOX 1000, STATION M, CALGARY, ALBERTA T2P 4K5

(403) 267-6100

March 9, 1994

MAR 15

Secretary
Planning and Development Committee
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario L8N 3T4

Dear Secretary:

Re: ZAR-93-47 For Further Modification To The Established "DE-3"
District Regulation, For Lands Located At No. 200 Rymal Road East
Owner: 200 Rymal Road Inc. (J.A. Parente)
City of Hamilton

On January 18, 1994, TransCanada sent a letter to Mr. V.J. Abraham outlining our concerns with respect to this application. TransCanada has no objection to this further amendment, however our concerns outlined in our earlier letter remain the same.

Thank you for keeping TransCanada informed of development near our facilities. If you have any questions, please call me at (403) 267-8747.

Yours truly,

Janice Lattin
Technician I
Right-of-Way

2a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1994 March 15
(CU-93-001)

MAR 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

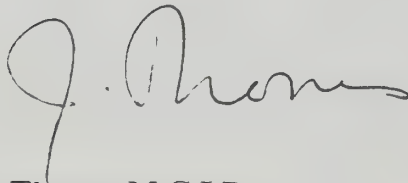
Rental Housing Protection Act Application CU-93-001, 280 Weir Street North, Hamilton;
(Homeside Neighbourhood.)

RECOMMENDATION:

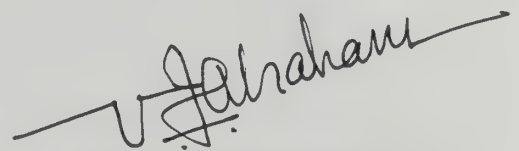
That approval be given to Application CU-93-001, under the Rental Housing Protection Act, Mike Ilich, owner, for conversion of 11 rental residential apartment units to a residential care facility (second level lodging home) for property located at 280 Weir Street North, Hamilton. Because the proposal would adversely affect the supply of affordable rental housing in Hamilton, this approval is subject to the following conditions:

- (i) The applicant shall pay a \$900.00 moving allowance per apartment to the Tenant(s) as the Tenant(s) complete their move, provided the apartment's rent is in good standing. All Tenants shall have vacated the premises and received their moving allowance prior to the City entering into the Rental Housing Protection Act (RHPA) Approval Agreement required below. The applicant shall provide to the City a receipt from the Tenant(s) of each unit confirming payment of the moving allowance;
- (ii) The owner shall enter into an Approval Agreement with the City satisfactory in form to the Director of Local Planning and to the City Solicitor, incorporating the City's conditions of approval listed herein and register such Agreement on title to the subject property, prior to the issuance of the City's RHPA Certificate of Approval;
- (iii) Prior to entering into the RHPA Approval Agreement with the City, the applicant shall provide a certified list of all Tenants as of the date of this Council approval, and these Tenants shall receive said moving allowance;
- (iv) The applicant agrees he is prohibited by the Rental Housing Protection Act from beginning renovations on the proposed residential care facility until after he fulfils the conditions of this approval, including ensuring that all the Tenants have vacated the building and the applicant has received the RHPA Certificate of Approval from the City;

- (v) The applicant acknowledges that prior to beginning renovations he is also required to obtain the necessary zoning by-law amendment, site plan approval, building permit(s) and all other needed permits and licenses. In particular, this approval is subject to approval of the related zoning application ZAC-93-32;
- (vi) The applicant shall comply with the Notice of Termination requirements under the Landlord and Tenant Act in order to obtain vacant possession of the premises. Such notice of termination shall not, in any event, be less than four months;
- (vii) Prior to the execution of the RHPA Approval Agreement by the City, the applicant's realty taxes on the premises shall be in good standing;
- (viii) The foregoing conditions shall be subject to the following terms, which terms shall form part of the applicable document:
 - (a) The RHPA Approval Agreement shall be prepared by the owner and registered by the owner at its expense, including the payment of registration fees;
 - (b) The Tenants may vacate at any time, on not less than one months notice to the owner, with or without notice from the owner, and the owner shall pay the tenant(s) of each unit the \$900.00 moving allowance; and,
 - (c) The Tenant's rights under the RHPA Approval Agreement are personal to the named Tenant only and may not be assigned by the Tenant to anyone;
- (ix) That upon registration of the RHPA Approval Agreement, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Nature of Application

An application under the Ontario Rental Housing Protection Act for the property at 280 Weir Street North in Hamilton was submitted to the City on August 24, 1993. The proposal is to convert 11 rental residential apartment units to 20 residential care facility (second level lodging

home) spaces, for use by retired persons, to be marketed at approximately \$1,200 to \$1,500 per month. The new facility would involve the provision of 24 hour nursing care, food, entertainment and medication as needed to elderly residents. The subject property is shown on the attached key map.

There is a related zoning application for the subject property, ZAC-93-32, which was submitted at the same time as the Rental Housing Protection Act application. This is for a modification to the established "DE" (Low Density Multiple Dwelling) District, to permit a residential care facility (retirement home) for 20 residents within the existing building.

Existing Building

The existing use on the site is an apartment building, two storeys in height and with a total floor area of approximately 3,827.63 square feet. It contains 11 rental apartment units, namely ten one bedroom units, all 462 square feet in area; and one two bedroom unit, 546 square feet in area.

The building was constructed in 1962. The applicant has stated that the units are presently in fair to good condition, with no major renovations having been done recently.

Significant renovations are proposed to convert the building to the proposed use, if the application is approved. These include the following:

- Removal of all existing kitchens, and construction of a dining area in the two bedroom unit on the first floor, for use by all occupants;
- Addition of new walls within each of the one bedroom units, to convert them each to two second level lodging home spaces;
- Upgrades to washrooms, and conversion of one to permit wheelchair use; and,
- Installation of wall to wall carpeting.

None of the units were vacant at the time of the application, and none of them are vacant at present, although the tenants in two units have moved out, and new tenants have moved in. They have been informed of this application.

According to the applicant's representative, none of the existing tenants would be interested in the proposed second level lodging home spaces, since none of them need such nursing care or assistance, and most of them are not elderly.

Rent Details

The rents for the existing units are as follows:

- The ten one bedroom units have monthly rents of \$288.62 and \$288.63, effective April, 1993; and,
- The two bedroom unit has a monthly rent of \$319.01.

APPLICABILITY OF THE ONTARIO RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to

rental units including renovations, conversions to condominiums and other uses, demolitions and severances. The proposed conversion of rental units to another use at 280 Weir Street North is subject to the Act since it represents conversion to a non-residential use, namely a residential care facility. It should be noted that Council approval for the application is for the conversion under the Act only. The related zoning application must still be approved, in order for the proposed use to be permitted, and this matter is addressed in a separate report. Appropriate licensing would also have to be obtained, which has not been applied for as yet.

Evaluation Criteria

In reviewing this proposal, Council must consider Section 7.(1) of the Regulation pertaining to the Rental Housing Protection Act (O.R. 1000), which is as follows:

"7.-(1) The council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

1. Council finds that,

- i) a rental property for which an application is made for demolition is structurally unsound, or*
- ii) a rental property for which an application is made for renovation or repair is structurally unsound at the time of the application and will continue to be structurally unsound if the renovation or repair proposed by the applicant is not carried out and, in the case where tenants are in occupation of the unit, that vacant possession is required to effect the renovation or repair.*

2. The applicant agrees,

- i) to provide the same number of new rental units in a similar rental range and in the same area as those for which approval is given, and*
- ii) to provide rental accommodation in the same area of similar quality and rent, either in the new rental units or in other existing rental property, to any tenant who is required to give up possession of a rental unit as a result of the approval.*

3. In the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality."

Criteria #1 of the Rental Housing Regulations is not applicable, since the proposal is not a demolition. This application will be therefore be evaluated against criteria #2 (i and ii) and criteria #3 of the Rental Housing Act Regulations.

ANALYSIS OF CRITERIA

Provision of Alternative and Replacement Units (Criteria 2)

In order to meet this criteria, the applicant would have to rehouse existing tenants in similar rental units, and to replace the eleven rental units which would be lost as a result of this application. As noted by the Rental Housing Protection Program, Ministry of Housing:

"Council may wish ... to enter into discussions with the applicant concerning whether opportunities exist for this application to meet the terms of this criteria.

"Should Council decide to approve this application, Council may wish to employ the powers provided in sections 11 (7) and 12 of the RHPA to impose conditions on the approval, to enter into agreement with the applicant concerning fulfilment of these conditions, and to register these conditions against the title to the property.

"The conditions appropriate to this application depend on how the applicant plans to deal with the existing tenants. If they are to be evicted, Council could consider imposing conditions similar to the second part of the second approval criterion (clause 7 (1) (2) (ii) of the Regulations), or other conditions which Council considers reasonable. Payment by the applicant of relocation costs may also be considered."

There was discussion with the applicant's representative about providing assistance such as helping them find other accommodation, or providing tenants with a moving allowance. However, the applicant has not indicated that he is willing to provide any such specific assistance to tenants. He intends to provide the tenants with eviction notices, following the approval of this application, and then will give them four months to vacate the units.

Impact on the Supply of Affordable Rental Housing and Rental Vacancy Rates (Criteria 3)

City Council may approve this application under the third criteria of the Rental Housing Protection Act if, in Council's opinion, the loss of these 11 affordable rental units will not adversely affect the supply of affordable rental housing in the City. The following analysis addresses factors related to this criteria.

a) Rental Housing Supply

The proposed conversion of these units would have a **relatively minor impact on the overall supply of rental housing in the City and the immediate area**. It would represent the following change:

- Reduction of 0.03 % in 33,288 apartments in buildings with **three units and over** in the City, and of 0.3 % in 3,774 such units in Central East Hamilton zone;
- Reduction of 0.03 % in 31,256 apartments in buildings with **six units and over** in the City, and of 0.3 % in 3,299 such units in Central East Hamilton zone.

Although the impact of the proposal on the overall rental supply is minor, there would

be a **major impact on the supply of very affordable units**, or units in the same price range:

- Reduction of 12.7 % in the 79 one bedroom units in Hamilton renting for less than \$300 per month, all of which are in zone 2, according to October, 1992 CMHC data.

b) Monthly Rents

The **existing rents are well within the affordable range for the Hamilton area**, as defined by the Provincial Land Use Planning for Housing Policy Statement (LUPHPS), Information Bulletin 1992. This policy states that units with rents of \$810 or less per month are "affordable" for the Hamilton area. The 1993 monthly rents for the existing units range from \$288.62 to \$319.01 (rents from April 1993 to April 1994).

These existing rents are affordable to households at the 20th percentile, or to the bottom 20% of households in terms of income. This makes them **among the most affordable units in the City and in this area**. Rents less than \$300 per month are affordable to those at the 20th percentile of income, which represents those with the lowest incomes. All of the one bedroom units in the subject property fall within this group. There are a total of 79 units within Hamilton renting for less than \$300 per month, and all of these were located in zone 2, Hamilton (Central East), which is the area within which Weir Street is found (according to October, 1992 CMHC data, latest available). The subject units at 280 Weir Street account for 12.7% of all units renting for less than \$300 in Hamilton.

The monthly rents for the subject units are also lower than average rents for this type of unit in this area of the City. Average monthly rents for privately-initiated one bedroom apartment units in the City were \$469 (as of CMHC October, 1993 Rental Market Report). Within the Hamilton (Central East) zone, average rents for such one bedroom units were \$442 as of the same survey. The rents for the subject units of \$288.63 are well below the averages for either the City or the area, and therefore **these rents can be considered to be very affordable**.

c) Vacancy Rates

The present rental vacancy rate for the City is at 2.9% for privately initiated buildings with three or more units, as of CMHC data for October, 1993. This was down slightly from 3.1% in April, 1993. Vacancy rates for the City have been at or over 2% since April, 1992. The vacancy rate for the Hamilton (Central East) zone was 3.3% in October, 1993. **The Hamilton rental market is considered to be in a balanced position, with a vacancy rate between 2% and 3%.**

The current vacancy rate for apartments in buildings with six units and over in the City is 2.7%, and for the Hamilton (Central East) zone is 3.1%, as of October, 1993. **Approval of the proposal would cause no change in these acceptable vacancy rates.**

For one bedroom apartments, the current vacancy rate in the City is 2.9%, and for the Hamilton (Central East) zone is 3.3%. **Approval of the proposal would not change the vacancy rate for one bedroom units in the City or this zone.**

As noted previously, there are 79 one bedroom units in the City with rents of less than \$300 per month. However, there were no vacancies recorded anywhere in the City for these one bedroom units with rents below \$300, namely units similar to those in the subject property. This means that **it will be difficult for existing tenants to find similar accommodation in the same rental range, anywhere in the City.**

In summary, the conclusions of the foregoing housing analysis are:

- The proposal would not have a major impact on the overall rental supply in the City of Hamilton or in the Central East zone of the city;
- The overall rental vacancy rate in the City is 2.9%, as of October, 1993. This is within the desirable range for a healthy vacancy rate, namely 2% to 3%, to ensure a reasonable number of vacant units;
- The vacancy rate for this area of the City, namely Central East Hamilton, is 3.3%, which is also within the acceptable range;
- This application, if approved, would result in a loss of 11 rental units from the supply of the most affordable rental housing in the City;
- The existing rental units are well within the affordable range. The current rents of \$288.62 to \$319.01 per month are far below the limit of the affordable range for Hamilton, which is \$810, as defined by the Province; and,
- The 10 existing 1 bedroom units are affordable to tenants in the lowest 20% of incomes.

The Act states that City Council must be satisfied as to whether or not there is an adverse impact on affordable rental housing. **Based on the foregoing analysis of rental supply, monthly rents and vacancy rates, it appears the loss of these 11 rental units would not cause a significant adverse impact on the overall supply of apartment units, or on the related vacancy rates for the City or the Hamilton (Central East) zone. However, it will be difficult for existing tenants to find replacement units which are as affordable as these, in this area or anywhere in the City.**

Process for Conversion of Property

The nature of the existing and proposed uses in this application would make it impossible to permit overlapping of the two uses. Phasing in of new non-rental uses is sometimes possible, as in the conversion of rental units to condominium, where it may be appropriate to offer existing rental tenants options such as long term leases. However, due to the extensive renovations and changes required to convert this building to the proposed second level lodging home, this is not considered appropriate in this case.

Comments received from the Rental Housing Protection Program office of the Ministry of Housing in this regard are as follows:

"If the tenants and care residents will share the use of the building for any length of time, Council should consider conditions regarding the presence on site of care staff, dispute resolution, and similar issues.

"The Ministry has dealt with a situation elsewhere in the province where a rental building was simultaneously in use by existing tenants and care facility residents. The needs of the two groups were observed to be incompatible. The Ministry therefore suggests that, if Council approves this application, Council may wish to consider whether occupation of the building as a residential care facility should be delayed until all existing tenants have moved out."

The applicant's representative has indicated that he intends to vacate the building before proceeding with the new use, but this should be clearly specified as a condition of any approval, in order to avoid problems of the type noted above. In fact, the definition of residential care facility in the Zoning By-law states that such a use must be wholly occupied by the residents receiving care, so shared use of the building by tenants and care residents would not be permitted.

Impacts on Existing Tenants

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion. It will be difficult for tenants to find replacement accommodation in the same low price range, namely with monthly rents below \$300 in cost, since the existing rental units are at the low end of available units in terms of cost. It may not be possible for tenants to find similar units, at a similar price in the same area. This may cause disruption to tenants, some of whom may not have the financial resource to pay first and last months rent in another building, and who would be paying higher monthly rents. Also, the available supply of affordable rental units will be reduced by the subject units, which are very affordable.

However, the applicant's representative notes that 7 of the existing 11 tenants have indicated their support of the proposed conversion. They have signed letters of support, stating they approve of the application to convert the property into a residential care facility, are aware that they will be given four months notice before they are expected to move, and they find this satisfactory. The remaining 4 tenants have not signed these letters of support, since they do not support the application, according to the applicant. Staff have asked the applicant to obtain written letters of intent from these remaining tenants, but these have not been provided.

However, it should be noted the tenants were not informed the applicant may be required to provide them with some compensation for vacating their units and relocating. The applicant was asked by staff to consider providing them with some such compensation, such as a lump-sum payment equivalent to first and last month's rent at a similar rental building in the area. It is understood the applicant did not provide any offers to the tenants, so they were not aware of any potential for same.

The four months notice referred to in these letters of intent relates to the requirements of the

Landlord and Tenant Act, not the Rental Housing Protection Act. The latter Act supersedes the former.

It is possible for City Council to impose conditions on approval of RHPA applications to ensure that there is not an adverse impact on the supply of affordable rental housing in the City.

CONDITIONS OF APPROVAL:

If there are concerns about the possible displacement of tenants as a result of conversion, Committee and Council can request that there be a legal agreement with the owner, to ensure that the existing tenants have available to them a number of acceptable housing options. This might include having the applicant provide them with a lump-sum payment to assist in finding suitable replacement units, and/or providing them with a period of time in which to find suitable replacement accommodation (ie. 3 or 6 months).

Such conditions of approval have been approved by City Council in the case of previous RHPA applications, such as 515 Main Street East and 293 Limeridge Road West. In approving these applications for conversion to condominium use, Council required that the owners enter into legal agreements protecting the interests of existing tenants, by requiring that the tenants have long-term leases at the existing legal rent rates, and giving them the right to purchase their units at specified prices.

For the subject application, the possible conditions of approval are more limited, since the proposed use involves a complete change in the nature of the building. First right of refusal to purchase or long-term leases are not options. For this reason, options such as lump sum payments to existing tenants have been proposed, as well as allowing them a fixed period of time to find new accommodation.

It is recommended that the applicant offer the tenants a lump-sum payment equivalent to two months rent for similar units of the same size, in the area. This could be used towards first and last months rent in a new unit, to help pay for or to help defray the costs of the new higher rents which would likely be paid in another unit. The average monthly rents for one bedroom rental units in the Central East Hamilton zone, as of October, 1993 was \$442 per month. Therefore, a lump-sum payment of twice this amount, or \$900, should be offered to each tenant, to help minimize the impact of the proposal on these tenants.

The Rental Housing Protection Program Office of the Ministry of Housing has indicated that such offers would be an appropriate and legal means of minimizing impacts on tenants, as an alternative to other options; and that this approach has been used in other municipalities. The other options, such as the applicant offering to pay relocation costs, or to help the tenants find other units, might be difficult to quantify or carry out.

These different approaches were discussed with the applicant's representative. He was reluctant to offer such a lump-sum payment to the tenants, since he was concerned about the cost of doing so. He also was not willing to offer them any of the other options noted above, and preferred to proceed on the basis that 7 of the 11 tenants had indicated their approval of the proposal.

Therefore, since it is felt that some provisions must be made to minimize the impact of the

proposal on the tenants, the recommended conditions of approval are as follows, in abbreviated form. The complete list of conditions are contained in the Recommendations and Appendices.

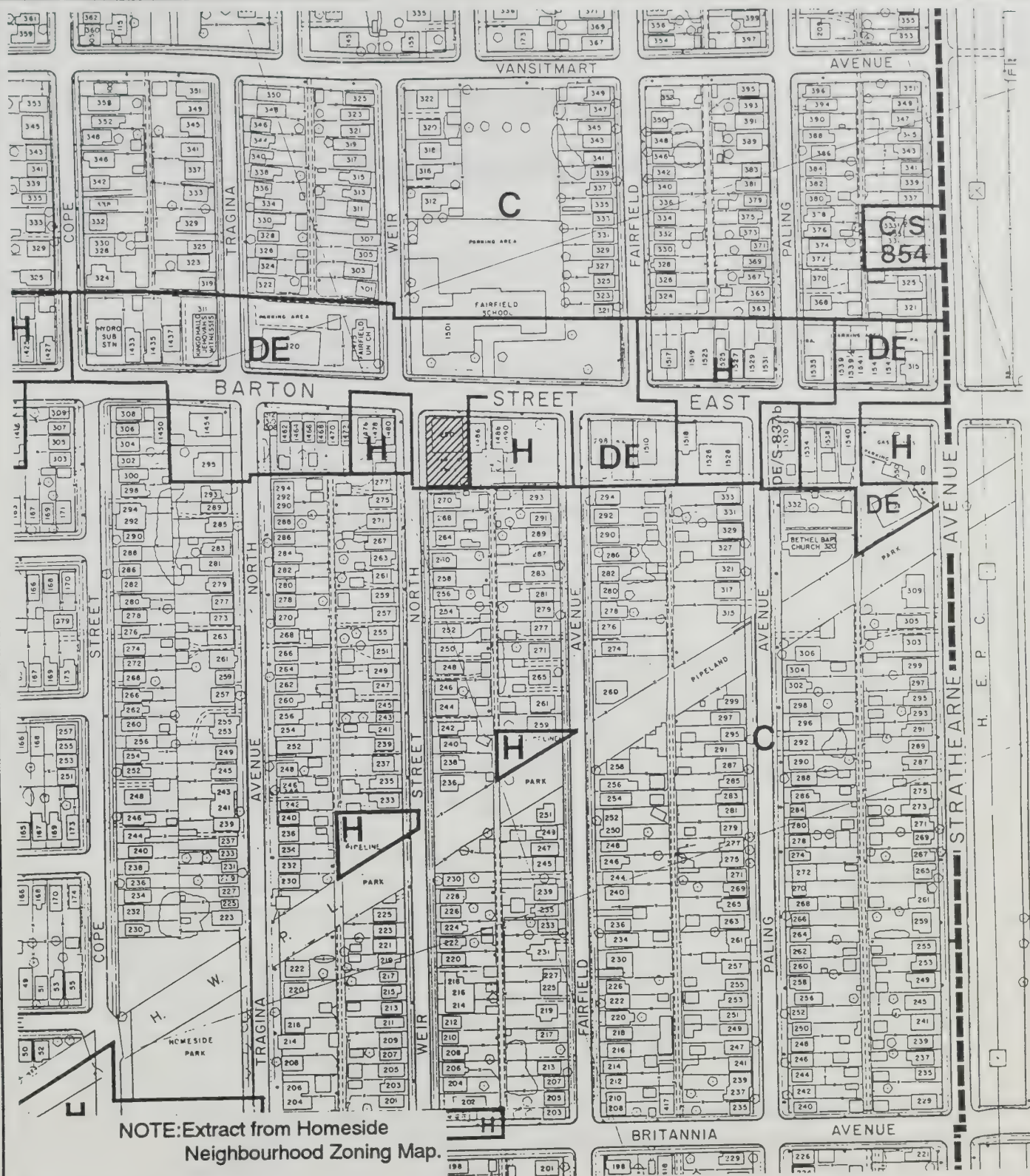
- Payment by the applicant to the tenant(s) of each unit a moving allowance in the amount of \$900.00, at the time that the tenant of each unit completes his/her move, and prior to the City entering into the RHPA Approval Agreement. Receipts are to be provided;
- The owner is to enter into an RHPA Approval Agreement with the City incorporating the City's conditions of approval, to be registered on title to the property;
- Renovations are not to begin until all tenants have vacated the building, and the applicant has received the RHPA Certificate of Approval from the City. Other approvals, namely the zoning by-law amendment, site plan approval, building permit, and all other needed permits and licenses;
- Notice of termination shall be provided to the tenants by the applicant as legally required, and shall not be less than four months;
- All conditions of approval are to be incorporated into an Approval Agreement, which is to be registered on title to the property prior to final approval being given by the City;

Upon registration of the RHPA Approval Agreement, the City Clerk will be authorized to execute the RHPA Certificate of Approval in a form satisfactory to the City Solicitor.

CONCLUSIONS:

Taking into account all relevant considerations, the proposal **would have an adverse impact on the supply of affordable rental housing in the City, since it eliminates the supply of very affordable units of this type in this area, and there are no similar vacant units for tenants to move to. Approval of the application can only be supported if the applicant provides a lump-sum payment of \$900 to each tenant, to assist them with their relocation costs, such as moving expenses and/or first and last months rent in another unit. The related conditions of approval are outlined in the Recommendations.**

vg
CU931WEIP&D



City of Hamilton

Key Map

Rental Housing Protection Act
CU-93-001 280 Weir St. N.

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Location of Subject Lands.

North



Scale
NOT TO SCALE

Date
OCTOBER 1993

Reference File No.
CU-93-001

Drawn By
Z.K.

26)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: March 11, 1994
Homeside Neighbourhood
ZAC-93-32

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification of zoning - No. 280 Weir
Street North.

MAR 16

RECOMMENDATION:

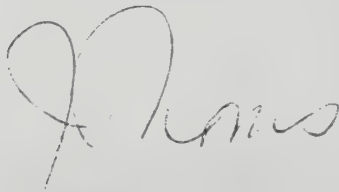
- A. That approval be given to Zoning Application 93-32, Mike Ilich, owner, requesting a modification to the established "DE" (Low Density Multiple Dwellings) District regulations, to permit the conversion of the existing 3 storey - 11 unit apartment building into a Residential Care Facility for a maximum of 20 residents (senior citizens), for property located at No. 280 Weir Street North, as shown on the attached map marked as Appendix "A", on the following basis:
- i) That the "DE" (Low Density Multiple Dwellings) District regulations as contained in Section 10A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - a) Notwithstanding Section 10A.(1)(i) of Zoning By-law No. 6593, a residential care facility for the accommodation of a maximum of 20 residents being qualified Senior Citizens shall be permitted within the existing building;
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map E-63 be notated S - ;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-63 for presentation to City Council;
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

- B. That the amending By-law not be forwarded for passage by City Council until such time as a "Certificate of Approval" has been issued by the City Clerk, under the Rental Housing Protection Act.

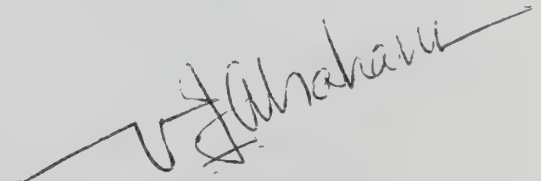
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "DE" (Low Density Multiple Dwellings) District regulations, for lands located at No. 280 Weir Street North, as shown on Appendix "A".

The effect of the By-law is to permit the conversion of the existing building for a residential care facility (retirement home) for a maximum of 20 residents being qualified senior citizens.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

It is the applicant's intention to modify the established "DE" District regulations to permit conversion of the existing 3 storey - 11 unit apartment building into a Residential Care Facility for a maximum of 20 residents (senior citizens) as opposed to the maximum of 6 residents permitted. The facility will provide seven (7) parking spaces with visual barriers and planting strips to buffer the parking area from the adjacent residential uses (See Appendix "B").

- Rental Housing Protection Act

The property in question is occupied by a 3 storey - 11 unit apartment building. The conversion of the apartment units to a residential care facility is subject to the provisions of the Rental Housing Protection Act. In this regard, the applicant has filed RHPA Application CU-93-001 with the City for the necessary approval.

APPLICANT:

Mike Ilich, owner.

LOT SIZE AND AREA:

- 34.36 m (112.75 ft.) of lot frontage on Weir Street North ;
- 21.33 m (70.0 ft.) of lot flankage on Barton Street East ; and
- 722.0 m² (7,776 sq. ft.) of lot area.

LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|--------------------------|---|
| <u>Subject lands</u> | apartment building | "DE" (Low Density Multiple Dwellings) District |
| <u>Surrounding lands</u> | | |
| to the north | Fairfield Public School | "DE" (Low Density Multiple Dwellings) District and "C" (Urban Protected Residential, etc.) District |
| to the south | single-family dwellings | "C" (Urban Protected Residential, etc.) District |
| to the east | single-family dwellings | "H" (Community Shopping and Commercial, etc.) District |
| to the west | commercial/residential | "H" (Community Shopping and Commercial, etc.) District |

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" Land Use Concept plan of the Official Plan. The following policies, among others, would apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
 - i) Provision and maintenance of adequate off-street parking;

- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
 - v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;

 - ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;

 - x) Encourage the development of a range of RESIDENTIAL care and short-term care facilities in all areas of the City through appropriate recognition in the Zoning By-Law."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "LOW DENSITY APARTMENTS" on the approved Homeside Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no comment or objection.

- The Traffic Department has advised that:

"We request that the visual barrier along the alley terminate a minimum 1.5m from the west property line to avoid any visibility problems in the alley.

Subject to the required parking being provided on-site, we find this application to be satisfactory."

- The Building Department has advised that:

- "1. A residential care facility for the accommodation of twenty (20) residents is not permitted.
2. A minimum of seven (7) parking spaces are required for a residential care facility for twenty (20) residents.
3. It appears that the existing chimney projects into parking space # 4, therefore it does not provide the minimum clear dimensions of 2.7 m x 6.0 m (8.86' x 19.69').
4. The parallel parking spaces shall be 2.5 m x 6.7 m (8.21' x 21.98').
5. A "DE" District requires a landscaped area of at least one quarter of the lot area."

- The Roads Department has advised that:

"There are public watermain and combined storm and sanitary sewers available to service these lands.

The designated road allowance width of this portion of Barton Street East is 26.21 m. Therefore, in accordance with this designation, the applicant/owner should be advised of a future road allowance widening of 3.048 m from the subject lands adjacent to Barton Street East to establish the property line 13.11 m from the centre of the original Barton Street East road allowance.

According to our records, this portion of Weir Street North has been established at 15.24 m, therefore, no road allowance widenings are required.

Any works which may occur within the Barton Street East and/or Weir Street North road allowance must conform to the Region's Roads Use By-law and the City of Hamilton Streets By-law respectively.

We recommend that the proposed 1.5 m minimum visual barrier along the south property line adjacent to the unassumed alley be setback a minimum of 3.0 m (prefer 5.0 m) from the Weir Street North property line to improve motorist's sight visibility exiting the alley onto Weir Street North. The visual barrier should also be setback a minimum of 3.0 m from the Barton Street East road allowance.

According to plans submitted by the applicant/owner, the existing chain link fence at No. 280 Weir Street North encroaches onto the Weir Street North Road Allowance. Therefore, the applicant/owner should be advised that this encroachment is contrary to the City of Hamilton Streets By-law and remains at the sole risk of the applicant/owner.

Any new or altered access to Barton Street East and/or Weir Street North requires the approval of the City of Hamilton Traffic Department.

Comments from the City of Hamilton Traffic Department with respect to on-site parking should be received.

The applicant/owner should be advised that according to our records, the alley to the rear of the subject lands is public unassumed. Therefore, the City of Hamilton cannot guarantee free and clear access to the rear of the subject lands.

It is the responsibility of the applicant/owner to ensure that the fence at the corner of Weir Street North and Barton Street East conforms to the provisions of Zoning By-law No. 6593 and comments from the City of Hamilton Building Department on this should be considered."

- The Hamilton Wentworth Social Services Department has advised that:

"There does not appear to be any need in the community for the development of any more second level lodging homes, at the moment. Our most recent statistics July 31, 1993, indicate 262 unoccupied beds in our 67 subsidized homes.

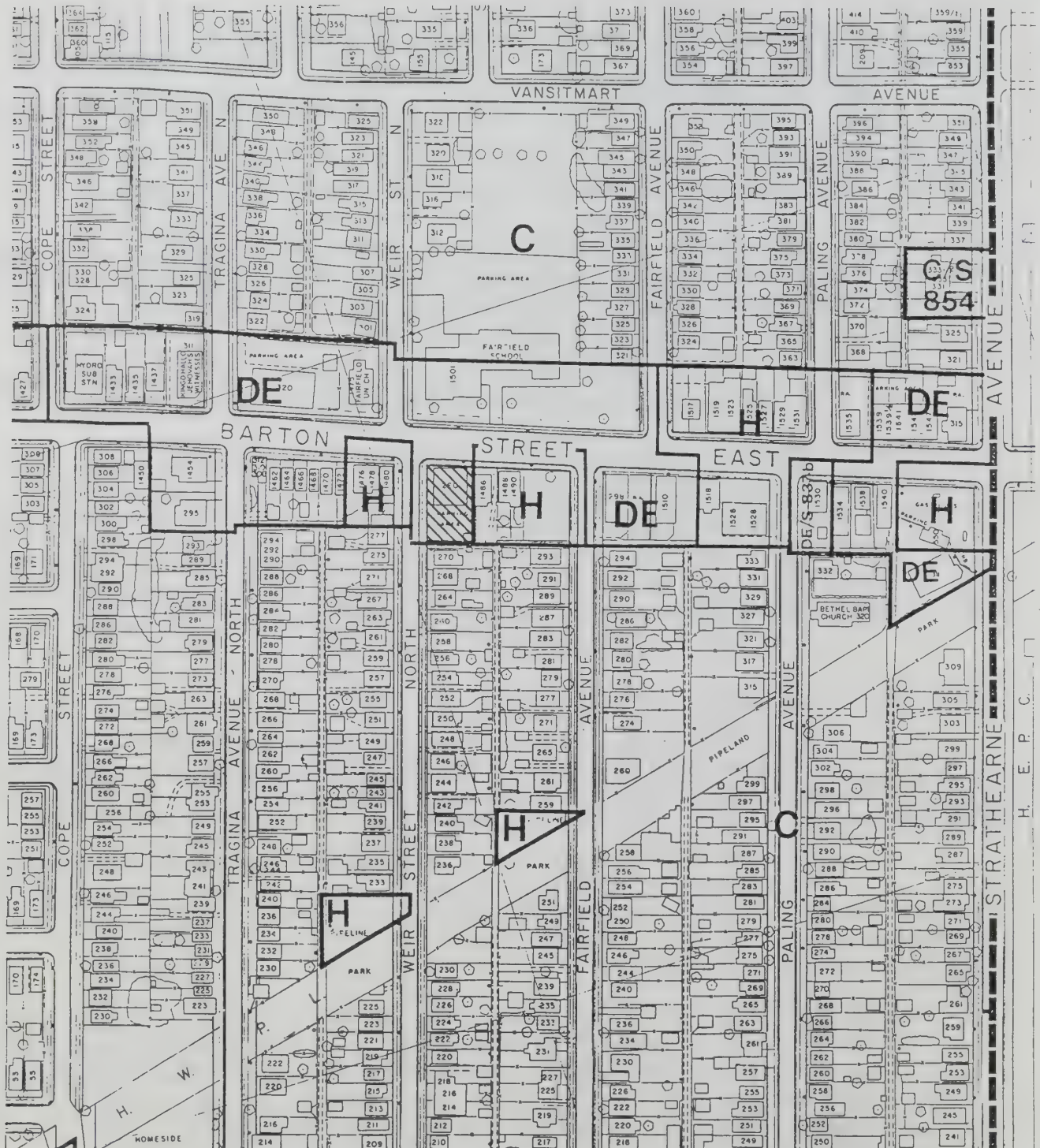
The apartment building in question is located in an area of the City, however, in which few lodging homes exist."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the approved Homeside Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - i) it is consistent with the intent of the "RESIDENTIAL" designation in the Official Plan which encourages the development of a range of residential care and short-term care facilities in all areas of the City;
 - ii) it does not conflict with the intent of the "Low Density Apartments" designation of the approved Homeside Neighbourhood Plan;
 - iii) there are no other residential care facilities established within the prescribed 180 m radial separation distance. The closest facility is 914 m (3000 ft. approx.) to the east within the Normanhurst Neighbourhood (i.e. 121 Ivon Avenue). In this regard, the Social Services Department has advised, although there does not appear to be any need in the community for the development of any more second level lodging homes, this apartment building is located in an area of the City in which few lodging homes exist;
 - iv) the subject lands are bounded by an "H" (Community Shopping and Commercial, etc.) District, to the east and the west, which permits the proposed use as-of-right (i.e. Residential Care Facility - max. 20 residents). In this regard, the proposal is an infill situation and is no less feasible;
 - v) it is located on major road and would be compatible with established development in the surrounding area comprised of a public school to the north, mixed commercial/residential uses to the west and single-family uses to the south and east.
4. This application is predicated on the completion of application CU-93-001, under the Rental Housing Protection Act, for the conversion of 11 rental residential apartment units to a residential care facility. Thus, it would be appropriate to hold the amending by-law in abeyance pending issuance of the "Certificate of Approval", by the City Clerk, under the Rental Housing Protection Act.
5. The "DE" (Low Density Multiple Dwellings) District is subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. In this regard, matters such as access, parking, landscaping, fencing, grading, etc. can be reviewed at the site plan control stage of development.

CONCLUSION:

On the basis of the foregoing, the proposal can be supported.



Legend



Site of the Application

ZAC 93-32



CITY OF HAMILTON
- RECOMMENDATION -

3a)

DATE: 1994 February 24
(SE-93-001)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

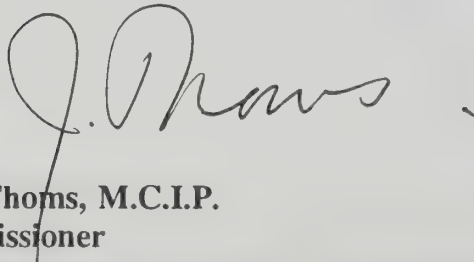
Rental Housing Protection Act Application SE-93-001, 718-732 Dunn Avenue, Units 1-6, Hamilton; (Parkview West Neighbourhood).

RECOMMENDATION:

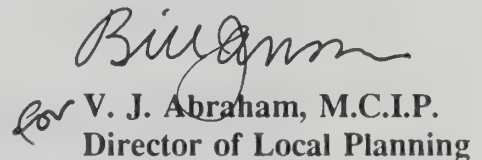
That approval be granted to Application SE-93-001, under the Rental Housing Protection Act, 660261 Ontario Inc., owner, (Aiden Tuite, President,) for the Land Division Committee to Consent to the severance of 6 semi-detached rental residential units into 6 single-family ownership parcels, for 718-732 Dunn Avenue, Units 1-6, Hamilton, Parkview West Neighbourhood, subject to the following conditions:

- (i) That the Owner offer to the Tenants named in Appendix "A", a lease in writing, to **lease to each Tenant their premises for a lease term not less than a term of two years** from the registration of the RHPA approval agreement required below, at the current rent rate set out in Appendix "A", upon the following minimum terms:
 - (a) that such leases be entered into by both parties prior to the City's execution of the said RHPA Approval Agreement;
 - (b) that the Tenants' rent shall not be increased during the first two year's of the lease, but that the rent may be increased after that period as otherwise permitted at law;
 - (c) that the Tenants may terminate the said lease at any time on 60 days notice.
- (ii) That the Owner **grant to the Tenants** named in Appendix "A" an **Option to Purchase their Unit specified in Appendix "A", (together with appurtenant interests).** Such **Option shall allow each tenant at least two years from** the registration on title of the Approval Agreement to exercise their Option to purchase their unit. Within forty-five (45) days of Notice of exercising the Option, the Owner shall enter into an Agreement of Purchase and Sale form of Hamilton Real Estate Board, with the necessary amendments for purchase of the Unit from the Owner, incorporating the conditions in Appendix "B" annexed hereto.

- (iii) That this RHPA approval shall cease and be at an end,
 - (a) if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,
 - (b) in any event, within five years from the date of this approval resolution of Council.
- (iv) That the Owner shall cause a new land owner of the whole property, if any, to enter into an agreement with each Appendix "A" Tenant to assume the obligations of the Owner herein to the Tenants.
- (v) That the Owner shall enter into an RHPA **Approval Agreement with the City** satisfactory in form to the Director of Local Planning and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendix "C" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval.
- (vi) That upon satisfaction of the above noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



for V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Nature of Application

An application under the Ontario Rental Housing Protection Act, 1989 for the property at 718-732 Dunn Avenue, Units 1-6 in Hamilton, was submitted to the City on November 16, 1993. The proposal is to convert 6 semi-detached rental residential units, to 6 semi-detached ownership units, to be sold at an estimated price of \$130,000 to \$138,000. The property is shown on the attached key map. Related applications for the subject property have been submitted for both severance and variances.

Land Division Committee Applications H-83-93, H-84-93 and H-85-93 were submitted on December 14, 1993. On January 11, 1994, these applications were approved, to permit the severance of the six rental semi-detached units into six separate parcels, with five parcels to receive a right-of-way over an access roadway belonging to the sixth parcel. This approval was subject to approval of necessary variances, approval of the RHPA application, and meeting all other requirements of the City.

Committee of Adjustment Applications A-93-252, A-93-253 and A-93-254 were submitted on December 13, 1993. This was required since only one of the six parcels created by the severance will have frontage on a public highway. These applications will likely be dealt with by the Committee at the March 2, 1994 or following meeting of the Committee.

History of Property and Existing Buildings

There are three separate buildings on the subject lands, each containing two semi-detached units. Each unit has three bedrooms, and a gross floor area of about 1300 square feet. They were built in 1986-1990, and were intended to be sold as single family units, although they have been used as rental units. There have been previous applications for plan of condominium and severance. A complete history of the property is included in Schedule "A".

In 1993, the owner approached the City about applying for severances, and it was noted that application for consent to sever would first have to be made under the Rental Housing Protection Act.

The applicant's agent has stated the units are still in good condition, since they are relatively new, and no renovations are proposed at this time. The Building Department has indicated that there are no outstanding work orders for the subject property.

Unit 2, 730 Dunn Avenue, was vacated on October 1, 1993, and was vacant at the time the application was made. It has not yet been occupied, according to the applicant.

Rent Details

The five presently occupied three bedroom units have monthly rents of \$900. The applicant advised one vacant unit was rented at the same rate when occupied.

APPLICABILITY OF THE ONTARIO RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental units including renovations, conversions to condominiums and other uses, demolitions and severances.

The proposed severance of six semi-detached rental units, to provide six semi-detached ownership units, at 718-732 Dunn Avenue is subject to the Act since it involves severance of rental residential units for sale and non-rental use.

Evaluation Criteria

In reviewing this proposal, Council must consider Section 7.(1) of the Regulation pertaining to the Rental Housing Protection Act (O.R. 1000), which is as follows:

"7.-(1) The council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

1. *Council finds that,*
 - i) *a rental property for which an application is made for demolition is structurally unsound, or*
 - ii) *a rental property for which an application is made for renovation or repair is structurally unsound at the time of the application and will continue to be structurally unsound if the renovation or repair proposed by the applicant is not carried out and, in the case where tenants are in occupation of the unit, that vacant possession is required to effect the renovation or repair.*
2. *The applicant agrees,*
 - i) *to provide the same number of new rental units in a similar rental range and in the same area as those for which approval is given, and*
 - ii) *to provide rental accommodation in the same area of similar quality and rent, either in the new rental units or in other existing rental property, to any tenant who is required to give up possession of a rental unit as a result of the approval.*
3. *In the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality."*

The first approval criteria of the Regulations is not applicable, since the proposal is not a demolition. The second criteria is also not applicable, since the applicant has indicated no intention or ability to replace the six rental units which would be removed as a result of the application.

Therefore, this application will be evaluated against the third criteria of the Rental Housing Protection Act Regulations. Council may approve this application if, as noted by the Province, "it considers that the loss of these six units, whose rents are unaffordable, does not constitute an adverse effect on the supply of affordable rental housing in the municipality."

Should Council decide to approve the application, it may wish to impose conditions on the approval, such as provision of the tenants with first right of refusal on purchase of their unit, or other conditions to help ensure satisfactory housing options for the tenants.

ANALYSIS BASED ON CRITERIA

Impact on the Supply of Affordable Rental Housing and Rental Vacancy Rates (Criteria 3)

In order to determine the impact of the proposal, C.M.H.C. data was used to evaluate how the existing and proposed units compare with the overall housing market. Since C.M.H.C. does not quantify or monitor semi-detached rental units, data for "row/townhouse" units were considered, since row/townhouse trends can be regarded as indicative of trends occurring in the single-detached/semi-detached rental market.

The subject property is located within C.M.H.C. Zone 2, Central East Hamilton. There are only 10 row units within this zone, too few on which to base analysis. Therefore, row units within the entire City will be used for comparison purposes. Some information was also available from the 1991 Census, but this did not include vacancy data.

The results of the housing market analysis are as follows:

a) Rental Housing Supply

According to the 1991 Census of Canada, there were approximately 5,985 semi-detached dwellings in the City of Hamilton, of which 1,290 were rental, or 21.6 %.

The proposed severance of these units, and their removal from the rental housing supply, would have a **minor impact on the overall supply of rental housing in the City and the immediate area**. It would represent the following changes:

- Reduction of 0.02 % in 34,706 total privately-initiated rental units in City; and,
- Reduction of 0.4 % in 1,413 row units in City.

b) Existing Monthly Rents

The **existing rents of \$900 are above the affordable range for the Hamilton area**, as defined by the Provincial Land Use Planning for Housing Policy Statement (LUPHPS), Information Bulletin 1992. This policy states that units with rents of \$810 or less per month are "affordable" for the Hamilton area, since they are affordable to the lower 60% of households according to income.

In terms of this type of unit, namely **three bedroom row units, the subject units are at the higher end of the rental market**. There were a total of 918 three bedroom row units in the City, according to October, 1993 C.M.H.C. data. These have rents ranging from less than \$400 to just under \$1,000 per month. The subject units were within the highest rent range, namely those with rents of \$900 to \$999, of which there are only 98 units in the City.

c) Proposed Ownership Units

As ownership units, the applicant has indicated the selling price would be between \$130,000 and \$138,000. For the purpose of the affordability analysis, a selling price of \$134,000 has been assumed. Units selling for up to \$149,500 are considered affordable, as defined by the Province's Land Use Planning for Housing Policy Statement, Information Bulletin 1992, and therefore these units can **be considered as affordable**.

Analysis was undertaken of the household incomes which would be required to purchase the proposed ownership units, with down payments of between 5% and 25% of total purchase price, with 1 to 5 year mortgages, at prevailing mortgage interest rates as of January 10, 1994. It was determined that, with a standard 25% down payment, the ownership units would be affordable to households with incomes between the 50th and 60th percentiles, according to the Provincial guidelines. This would be equivalent to **households with incomes of about \$35,000 to \$39,000**.

The proposed ownership units would be more affordable than the existing rental units. According to the Policy Statement, the property as a rental complex has rents that are above the 60th percentile guideline of \$810 which is used to define affordability. However, as an owner-occupied building, the proposed selling prices would fall within the guidelines for ownership affordability.

c) Vacancy Rates

The present rental vacancy rate for the City for all privately-initiated buildings with three or more rental units is 2.9%, as of the most recent CMHC vacancy rate data for October, 1993. This was down slightly from 3.1% in April, 1993. Vacancy rates for the City have been at or over 2% since April, 1992. **The Hamilton rental market is considered by CMHC to be in a balanced position, with a vacancy rate of between 2% and 3%.**

The vacancy rate for all privately-initiated units in the Hamilton (Central East) zone was at 3.1% in October, 1993. **Therefore, the current vacancy rates for the City and this zone are within the healthy range, and can be considered acceptable.**

The current vacancy rate for row rental units in the City is 7.2%. This means that **there are an abundance of vacant row units** within the City as a whole. Vacancy rates for row units have been over 2% since October, 1991.

There are also vacant row rental units in the same price range and at lower rents within the City. There are 12 vacant row units with rents of \$900 to \$999 per month, in the City as a whole, and a total of 70 vacant row units. Therefore, tenants would have options to relocate to a limited number of other vacant row rental units in a similar price range, if they do not wish to purchase their units. However, it is noted that these are row units, not semi-detached as the subject units are. The supply of vacant semi-detached units with similar rents is not known.

The Act states that City Council must be satisfied as to whether or not there is an adverse impact

on affordable rental housing. Based on the foregoing analysis of rental supply, monthly rents and vacancy rates, it **appears that the loss of these 6 rental units would not cause a significant adverse impact on the supply of affordable rental housing, or on the related vacancy rates for the City.** As well, removal of six rental semi-detached units would result in a decline of 0.02% in the total rental stock, and 0.4% in the row rental stock.

Impacts on Existing Tenants

The applicant has approached all of the existing tenants to determine whether they would be interested in purchasing their units. Letters of intent were received from all of the five existing sets of tenants, indicating the following:

- Units 3 and 5 - Nov. 11, 1993 - Both had no objection, interested in purchasing;
- Units 1 and 6 - Nov. 18, 1993 - Both had no objection, interested in purchasing, stated that owning would be cheaper than rent;
- Unit 4 - Nov. 28, 1993 - No objection, may be interested in discussing possible purchase.

The applicant has indicated his intent to enable the tenants to purchase their units if the application for severance is approved. The applicant stated the tenants were made aware of the intended selling price range of \$130,000 to \$138,000 for these units. One set of tenants is agreeable to a purchase price of \$132,000 to \$139,000; another set stated the purchase price is to be negotiable, and the remaining 3 letters of intent made no reference to price.

The tenants of units 1 and 6 stated in their letters of intent they feel they would be in a better financial position making mortgage payments than paying rent. They state they would anticipate having first right of refusal to purchase the units.

Based on the foregoing information and housing market analysis, the impacts on existing tenants appear to be minimal and can readily be mitigated, since:

- The applicant is willing to offer first right of refusal to the existing tenants;
- All of the tenants have no objection to the application;
- The units would be more affordable as ownership than rental units, as indicated by the analysis and supported by the tenants;
- All tenants are either interested in purchasing their units, or may be interested; and,
- Even if some tenants decide not to purchase their units, there are many other housing options open to them, including many vacant rental units at the same rent or less.

Access Issue -- Necessity for a Plan of Condominium

Development of this property as a condominium has been considered in the past. Draft Plan of Condominium (25CDM-79001) was approved by Regional Council for the property on November 6, 1979, subject to conditions. On February 20, 1987, this draft approval lapsed.

The owner is now proposing that in place of a condominium and its control of the common privately owned access roadway, that Council approve under the Rental Housing Protection Act, that his six unit rental property be severed into six lots, with **control of the privately owned**

roadway by means of private right of way agreements among the six separate owners. If the owner's application is approved, five residential lots will be established that do not have any frontage on a public street. Instead, the applicant would give each lot purchaser a right of way by means of a private agreement among the owners.

The City Law Department, in its comments, advises that to ensure that the private roadway will over the years continue to be well maintained in future for access to each of the six lots it is highly preferable that this rental development be divided into six condo units, where the condo corporation will have statutory rights to maintain and control the access private laneway.

The Law Department states that if the private agreements are in dispute among the owners, the private access to the public highway by five family homes could be seriously jeopardized and the City may be asked to assume ownership and maintenance of the private roadway which does not meet the Province's and the City's minimum standard widths etc.

For these reasons, the Law Department strongly recommends that the RHPA application for permission to sever and rely upon rights of way agreements among the owners be denied and the applicant be directed to register a Condominium Plan if he wishes to sell his rental complex into six lots. As a Condominium, the proposed private lane would be made a common element, and each of the six owners would have equal and enforceable rights and obligations in the use, maintenance, and recovery of all such costs in their private roadway.

The other alternative which is always open to the owner, is to continue with the current property arrangement. At present the applicant owns all six residential rental units and as owner of the whole site, including its common shared roadway, is in a legal position to ensure the use and maintenance of the road and to collect through rent the applicable costs from each of his six tenants.

The applicant wishes to cease being a landlord and to sell the development. The applicant wishes to avoid the expense of registering a condominium and requests the City to permit a severance and to rely upon the agreements (listed in the recommendation) among the new owners. If the Committee is in favour of the severance application, and does not want to require the applicant to have to proceed by way of a condominium plan, then the above recommendation requires right of way agreements as a condition of RHPA approval.

CONDITIONS OF APPROVAL:

In general with RHPA applications, if there are concerns about the impacts on tenants and possible displacement of tenants as a result of approval of applications, Committee can make approval conditional on the preparation of an approval agreement, to ensure that the existing tenants have available to them a number of acceptable housing options. This might include providing tenants with first right of refusal to purchase their units; long-term leases to enable them to continue renting, or other options.

Such conditions of approval have been approved by City Council in the case of previous RHPA applications, such as 515 Main Street East and 293 Limeridge Road West. In approving these applications for conversion to condominium use, Council required that the owners enter into legal agreements protecting the interests of existing tenants, by requiring that the tenants have long-

term leases at the existing legal rent rates, and giving them the right to purchase their units at specified prices.

As noted, approval of the application for Dunn Avenue **would not have an adverse impact on the supply of affordable rental housing in the City if the applicant offers the existing tenants the opportunity to purchase their units.** Therefore, it is necessary to ensure that these offers to the tenants are incorporated in a legally binding agreement. This can readily be accomplished by means of an Approval Agreement under the RHPA.

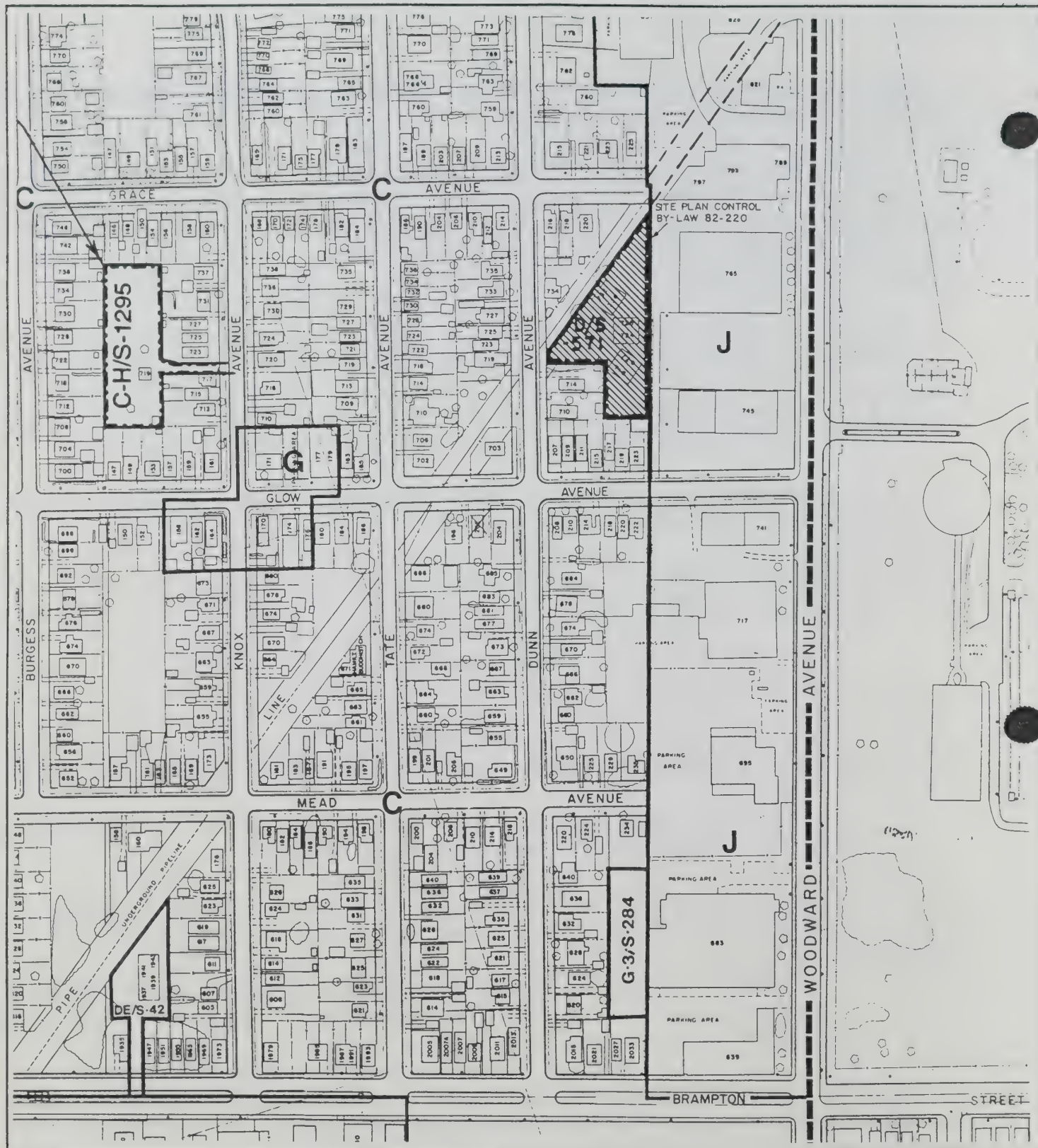
The proposed conditions of approval, in abbreviated form, are as follows. The complete list of conditions are contained in the Recommendations and Appendices:

- The owner will offer tenants an option to purchase their unit within two years. The sale is to be completed within 120 days, unless otherwise agreed by the Tenant;
- The purchase price to be agreed upon by the owner and tenant, not to exceed \$138,000, or as otherwise outlined in the agreement;
- The owner will offer to tenants a lease for up to two years, at current rents, subject to any legal rent increases;
- The owner is to enter into an RHPA Approval Agreement with the City incorporating the City's conditions of approval, to be registered on title to the property;
- The approval will end if the Owner has sold the land without entering and registering the Approval Agreement with the City; and, in any event, within 5 years of approval;
- The owner will cause a new land owner if any to enter into an agreement with each Tenant to assume these obligations of the owner to the tenants;
- The RHPA Approval Agreement, leases and options to purchase will be prepared by the owner and registered by the Owner at its expense, including payment of registration fees;
- This approval for consent to sever under the provisions of the Rental Housing Protection Act will be subject to approval of the related applications before the Committee of Adjustment.

Upon satisfaction of the above noted conditions, the City Clerk will be authorized to execute the RHPA Certificate of Approval in a form satisfactory to the City Solicitor.

CONCLUSIONS:

Taking into account all relevant considerations, the proposal **would not have a significant adverse impact on the supply of affordable rental housing in the City if the applicant offers first right of refusal to tenants to purchase their units.** Therefore approval of the application can be recommended, conditional on the offers to tenants and the other conditions as outlined.



City of Hamilton

Key Map

Rental Housing Protection Act

SE -93 - 001 718-732 Dunn Ave.

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Location of Subject Lands.

North



Scale
NOT TO SCALE

Date
DECEMBER 1993

Reference File No.
SE - 93 - 001

Drawn By
Z.K.

APPENDIX "A"

718-732 DUNN AVENUE, UNITS 1-6 - TENANTS AND RENTS

TENANTS

RENTS

Phyllis Barnes
732 Dunn Avenue
Unit 1
Hamilton, Ontario
L8H 6M8

\$900.00

Occupant
730 Dunn Avenue
Unit 2
Hamilton, Ontario
L8H 6M8

N/A

Denise Duncan
726 Dunn Avenue
Unit 3
Hamilton, Ontario
L8H 6M8

\$900.00

Mike Feldman
724 Dunn Avenue
Unit 4
Hamilton, Ontario
L8H 6M8

\$900.00

Lois Wilson
720 Dunn Avenue
Unit 5
Hamilton, Ontario
L8H 6M8

\$900.00

Robert Glen
718 Dunn Avenue
Unit 6
Hamilton, Ontario
L8H 6M8

\$900.00

APPENDIX "B"

The Agreement of Purchase and Sale shall provide,

- (a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant;
- (b) that the purchase price for the Unit be the **price agreed upon between the Owner and the Tenant, not to exceed One Hundred and Thirty Eight Thousand Dollars (\$138,000.00)**. In the event the purchase price is not agreed upon, the purchase price shall be the lesser of \$138,000 Thousand Dollars, or the average sale price of similar units on the same property at the time the Option is exercised by the Tenant;
- (c) a clause requiring the purchaser to accept title to the semi-detached unit subject to and together with :
 - (i) a right of way over a private roadway for access between their unit and Dunn Ave., which private road will remain under the private ownership of the unit fronting on Dunn Ave.;
 - (ii) a non exclusive shared right of way easement over the said private access roadway;
 - (iii) a private Maintenance Agreement among the six unit owners for the use, maintenance and replacement of the said private access lane. The purchaser shall also acknowledge to the Grantor that the purchaser understands that the City has no responsibility and cannot be required to assumes any responsibility for the said access roadway, including its repair, maintenance and replacement.

APPENDIX "C"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

- (a) Until all 6 of the Lots are sold, the applicant shall covenant to maintain the private lane and indemnify the City from any claims or expense relating to the use or repair of the roadway. The agreement shall also oblige the applicant to require that purchasers of the 6 Lots to accept, sign and fulfil the right-of-way matters and Maintenance Agreement outlined in paragraph (c) of the preceding appendix, as a condition of sale.
- (b) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.
- (c) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of the rental unit.
- (d) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant only and not assignable by the Tenant to anyone, unless approved by the owner, in the owners absolute discretion.
- (e) If the Director of Local Planning receives a declaration from the Owner that a Tenant named in Appendix "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Local Planning shall send by registered mail to the Tenant at the rental unit listed in Appendix "A", a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.
- (f) That this approval to the Consent to sever the Owner's land under the provisions of the Rental Housing Protection Act also be conditional upon approval of the related applications to the Committee of Adjustment, for any necessary variances.

SCHEDULE "A"

PLANNING HISTORY OF 718-732 DUNN AVENUE, UNITS 1-6

- August, 1976 - owner applied to rezone subject lands from "C" to "D" District;
- November, 1976 - Council denied rezoning application, which was appealed to OMB;
- January, 1978 - OMB decision to approve development for 3 semi-detached dwellings subject to conditions, including approval of a plan of condominium (OMB File R77224);
- May, 1978 - By-Law No. 78-148 passed by City, to allow the present three buildings to be built on one parcel, via site specific zoning D/S-571, modification to the "D" District;
- November 6, 1979 - Draft Plan of Condominium (25CDM-79001) for the property was approved by Regional Council, subject to conditions.
- October, 1986 - building permits issued for three semi-detached buildings, construction began;
- February 20, 1987 - draft approval of plan of condominium lapsed; property later sold;
- May, 1990 - property purchased by present owner, who intended to complete and sell the units as single family units; construction completed in October, 1990;
- May, 1991 - applications for severance were made, to create six separate parcels of land, with appropriate rights-of way and maintenance agreements over the private lane for access and maintenance;
- Several minor variances were also required, for setbacks and frontage;
- The severance application was denied, based on Building Dept. comments that the parcels of land created without road frontage would not comply with the Zoning By-Law;
- Planning Dept. staff recommended application for a site specific zoning by-law to allow the creation of six separate units, exempt from provisions of the Planning Act;
- In 1993 the owner approached the City about applying for these severances, and the Planning Dept. noted that application would have to first be made for consent to sever under the Rental Housing Protection Act, since the units are occupied by tenants, although the original intent was that they be ownership units;
- November 22, 1993 - **Rental Housing Protection Act Application SE-93-001** was submitted, for consent to sever;
- December 13, 1993 - **Committee of Adjustment Applications A-93-252, A-93-253 and A-93-254** were submitted. This was required since only one of the six parcels created by the severance will have frontage on a public highway. These applications will likely be dealt with by the Committee at the March 2, 1994 or following meeting of the Committee;
- December 14, 1993 - **Land Division Committee Applications H-83-93, H-84-93 and H-85-93** were submitted. On January 11, 1994, these applications were approved, to permit the severance of the six rental semi-detached units into six separate parcels, with five parcels to receive a right-of-way over access land belonging to the sixth parcel. This approval was subject to approval of necessary variances, approval of the RHPA application, and meeting all other requirements of the City.

3b)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 March 15
(PA-BILL)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

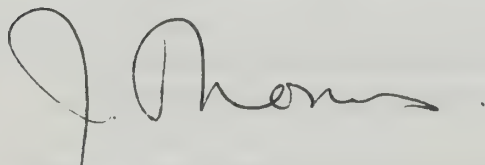
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Extension of the Hours for the Sale of Liquor in
Restaurants

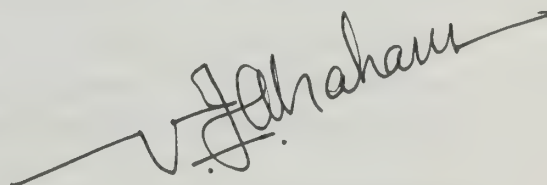
MAR 16

RECOMMENDATIONS:

- 1) That the City of Hamilton request the Minister of Consumer and Commercial Relations to consider identifying appropriate locations where the extension of liquor sales in restaurants would have a minimal impact on abutting residential areas (shopping centres; industrial areas and the central business district) or alternatively, provide municipalities (who control hours of operation) with the power to designate areas of extended hours;
- 2) That the City of Hamilton request the Minister of Consumer and Commercial Relations to consult with the public prior to making changes to the hours liquor are sold to ensure concerns are raised; and,
- 3) That the City Clerk be directed to forward a copy of this report and resolution to the Minister of Consumer and Commercial Relations and the area MPP's.



J.D. Thoms, M.C.I.P.,
Commissioner
Planning and Development



V.J. Abraham, M.C.I.P.,
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At its meeting of February 2, 1994, the Planning and Development Committee requested staff to write a "brief report on the possibility of extending bar hours in the downtown core but not in residential neighbourhoods."

- **Provincial Legislation**

The Ministry of Consumer and Commercial Relations is responsible for the Liquor Licence Act. There are Regulations which form part of the Act and it is through an amendment to these Regulations the extension hours for the sale of liquor in restaurants would be established. Since the sale of liquor is a Provincial responsibility, the City would not have control over any amendments to the Regulations, nor does it have control over the issuance of a liquor licence.

Although the City does not have control over amendments, it can request the Province to consider different options for differing hours of sale in different parts of the cities across the Province. They include:

- using the Liquor licence Board of Ontario to decide on appropriate locations for extended bar hours;
- establishing regulations which would define areas for extended hours; and,
- giving municipalities, who control business hours of operation, the power to designate areas of extended hours.

In 1990, the Province eliminated the different types of liquor licences and provided one class of licence. One of the requirements is the establishment serve food. In this regard, all restaurants have the potential of obtaining a liquor licence.

At the present time, the Province is not pursuing legislation to extend the hours for the sale of liquor in restaurants.

• Municipal Regulations

The Zoning By-law regulations only regulate the type of permitted use (i.e. restaurant) but it does not regulate whether the establishment can serve liquor. In this regard, licensed establishments (restaurant) have the potential of locating in the following districts:

- "G" (Neighbourhood Shopping Centre, etc) District;
- "G-1" (Designed Shopping Centre, etc.) District;
- "G-2" (Regional Shopping Centre) District;
- "G-4" (Designed Neighbourhood Shopping Area) District;
- "H" (Community Shopping and Commercial, etc.) District;
- "HH" (Restricted Community Shopping and Commercial) District;
- "CR" (Commercial-Residential) Districts;
- "I" (Central Business) District;
- "J" (Light and Limited Heavy Industry) District; and,
- "M-11" (Prestige Industrial) District.

Generally, the "G", "G-1", "G-4," "H" and "HH" Districts abut residential neighbourhoods.

In the past, the City has experienced nuisance effects where taverns were located adjacent to residential areas. In 1978, the City prohibited taverns in the "H" (Community Shopping and Commercial, etc.) District (By-law 78-184) since these districts are generally located on arterial roads with residential areas abutting them.

• Impacts on the Community

The extension of hours of the sale of liquor in restaurants can have both negative and positive impacts on the community.

Positive

There are economic spinoffs from the extension of bar hours including increasing restaurant businesses; improving competition with the US and Quebec and attracting conventions.

Negative

The extension of bar hours at those establishments abutting residential areas has the potential of increasing or aggravating an existing situation which could include:

- the noise on the site (an additional two hours a day), as well as noise impacts off-

site;

- overflow parking on residential streets;
- any loitering outside the establishment; and,
- vandalism and litter.

SUMMARY:

There are potential concerns that arise from the possible extension of the sale of liquor in restaurants:

- there should be public consultation prior to the Province making changes to the Act to identify concerns;
- the City has no control over limiting the location of establishments who sell liquor, unless specifically granted such power by the Province; and,
- while there may be benefits to extending the hours of sale of liquor in restaurants, there are a number of negative impacts on the community where, the restaurants are adjacent to residential areas.

CONCLUSIONS:

Based on the foregoing,

- 1) That the City of Hamilton request the Minister of Consumer and Commercial Relations to consider identifying appropriate locations where the extension of liquor sales in restaurants would have a minimal impact on abutting residential areas (shopping centres; industrial areas and the central business district) or alternatively, provide municipalities (who control hours of operation) with the power to designate areas of extended hours;
- 2) The City of Hamilton request the Minister of Consumer and Commercial Relations to consult with the public prior to making changes to the hours liquor are sold to ensure concerns are raised; and,
- 3) The City Clerk be directed to forward a copy of this report and resolution to the Minister of Consumer and Commercial Relations and the area MPP's.

OFFICE OF THE CITY CLERK

MEMORANDUM

TO: V.J. Abraham, M.C.I.P. YOUR FILE:
Director, Regional Planning Division
Planning and Development Department

FROM: Charlene J. Touzel, Acting Secretary OUR FILE:
Planning and Development Committee PHONE: 546-3994
City Clerk's Department

SUBJECT: Draft Hamilton-Wentworth Official DATE: 1994 February 18
Plan - City of Hamilton Response

The Planning and Development Committee at its meeting held 1994 February 16 was in receipt of your report dated 1993 November 30 respecting the City of Hamilton's response to the Draft Hamilton-Wentworth Official Plan (1993 September).

Considerable discussion ensued with respect to this report and it was agreed that this item be **tabled** to the next meeting pending clarification of the following issues:

- a) Environmentally significant areas - Concerns re: Hamilton Harbour project/Lax property site and Red Hill Creek
- b) Land use planning for housing
- c) Tree protection enhancement
- d) Conservation Authority - Reserve for the acquisition of land
- e) Public Transit provisions

It was also agreed that representatives from all area municipalities would be invited to attend the next meeting scheduled for 1994 March 2 to share their concerns/comments with respect to this report. Invitations will be mailed to them directly.

Kindly ensure that appropriate action is taken with respect to this matter.

1993 Dec 8 PRD - Tabled to 1994 Feb 16
Tabled Further to 1994 Feb 16
Tabled Further

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1993 November 30
(OP-HW5Y)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham
Director of Local Planning

SUBJECT: City of Hamilton Response - Towards a Sustainable Region
- Draft Hamilton-Wentworth Official Plan (September 1993)

RECEIVED
DEC 02 1993
CITY CLERKS

RECOMMENDATIONS:

- 1) That the City of Hamilton endorse the policies contained in Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan (September 1993) with the exception of the following actions:
 - a) That the "Environmentally Significant Area" designated for the Harbourfront Park, Pier 4 Park and EastPort (titled Hamilton Harbour ESA) be re-evaluated;
 - b) That Policy C.1.4.3 requiring site plan agreements for properties fronting on the lakeshore be revised to eliminate the necessity to undertake site plans for single and two-family dwellings;
- 2) That the City Clerk inform the Regional Clerk of the City's decision and a copy of this report is forwarded.


V.J. Abraham, M.C.I.P.,
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Purpose of the New Regional Official Plan

The Planning Act requires municipalities to review their Official Plans once every five years. The Hamilton-Wentworth Official Plan was prepared in the late 1970's and adopted by Regional Council in 1980.

Since the 1970's, there have been significant changes: in the way communities are planned; the increasing pressure for development, particularly outside the urban areas; the growing importance of the environmental issues, etc. As a result, the Regional Planning Branch, in consultation with Area municipalities, other Departments and agencies, has prepared a draft Official Plan for the Hamilton-Wentworth Region titled Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan. The Local Planning Branch has been involved from the outset of the Review and have requested changes to the policies on a few occasions. These changes have been made and any concerns or negative impacts on the City have been alleviated.

The basis for the Plan is founded in the concept of developing and maintaining a "Sustainable Region". Sustainable development is *"positive change that meets the needs of the present without comprising the ability of future generations to meet their own needs"*. In 1993, Regional Council approved *VISION 2020* which is a compilation of policies, directions and strategies for government, residents, businesses and community groups to take into consideration as they plan for a sustainable future. The Regional OP is seen as the principle implementation tool for *VISION 2020*.

The Plan is broken down into four main components with subcomponents, as follows:

- INTRODUCTION;
- QUALITY OF LIFE (responsive government; environment; shelter; economic opportunities; social well being; education; culture; historical resources; greenspace-leisure activities; and public safety);
- LAND USE STRATEGY (resource protection; resource utilization; regional development pattern and infrastructure); and,
- IMPLEMENTATION

The Regional Planning and Development Department has prepared a comprehensive, easy to read document which sets the stage for planning in the 1990's and beyond.

RESULTS OF CIRCULARIZATION:

The draft Regional Official Plan was circulated to various municipal Departments for their comments.

- The following Departments have no comments or objections:

- Property Department;
- Municipal Non-Profit Housing Corporation;
- Building Department;
- Culture and Recreation Department;
- Traffic Department;
- Parking Authority; and,
- Law Department.

- The Fire Department has advised that:

"I am pleased to note that my responsibilities as the Regional Fire Co-ordinator and the issue of location of fire facilities have been suitably addressed in Part B - Section 11..."

- Due to the scheduling of Board meetings, the Library Board is unable to have a formal response to the Plan by December 8, 1993; however, they will submit a formal response to the Regional Planning Department at the end of December.

ANALYSIS

- General Principles

The Regional Official Plan is proactive in that it supports many of the concepts the City of Hamilton has been pursuing over the last few years. In particular, the Plan includes policies supporting:

- the implementation of the Hamilton Harbour Remedial Action Plan;
- the provision of a range of housing types;
- housing intensification;
- adaptive re-use of non-residential uses/buildings to residential;
- firm urban boundaries;
- compact urban forms and promoting mixed use corridors (i.e. Barton Street Upper James Street, etc.);
- limited commercial uses in the Industrial-Business parks to those uses which serve the industrial and business operations and employees so the Parks will not compete with existing commercial areas (i.e. Upper James Street, downtown);
- the Regional Centre (downtown) as an important employment area in the region;
- the use of public transit; and,

- the development of integrated bicycle paths

Many of the directives contained in the Plan are already implemented through the City's Official Plan, Neighbourhood Plans and Zoning By-law.

- Environmentally Significant Areas

The Naturalists Club identified the Environmentally Significant Areas (ESA) in the Region based on flora, fauna, hydrology, geology, etc. The data was collected starting in 1991.

A large number of the ESA's correspond to ESA's that are currently identified in the Hamilton Official Plan.

However, there are new ones that have been added (i.e Red Hill Creek, north of the former landfill site, Lax property, portion of the East Mountain Industrial-Business Park, Hamilton beach Shoreline). Generally, the new additions do not pose a problem; however, three areas need further attention:

- 1) Harbourfront Park and Pier 4 Park

There has been considerable land use changes taken place in these areas. In 1992, the Region constructed the Strachan Street underground detention tank with a parking lot above. In 1992 and 1993, the City built Pier 4 Park and Harbourfront Park which are active urban parks.

It appears as if the environmentally significant area is the shoreline which has a fish habitat. The inclusion of this area as an ESA may limit future development.

Based on the recent changes in this area, it is suggested the ESA areas be re-evaluated.

- 2) Hamilton-Harbour - EastPort (Piers 25 to 27)

Over a period of years, development has taken place in the EastPort area.

Based on Map 4, EastPort has been designated as an ESA because of the nesting habitats for waterbirds and waterfowl.

It should be noted that if development takes place on these lands an impact study would have to be completed and it may restrict further development.

- Site Plan Agreements for Development Fronting on the Lakeshore

Policy C.1.4.3 requires municipalities to undertake site plan agreements for development fronting on the lakeshore to ensure appropriate setbacks for flooding, erosion, etc. By-law 79-275 that establishes Site Plan Control exempts single and two-family dwellings. In this regard, the Policy should be reworded to eliminate the necessity for such agreements on those residential types.

IMPACT ON THE CITY OF HAMILTON'S OFFICIAL PLAN

Both the Planning Act and Policy D.5 of the draft Regional Official Plan requires an area municipality to bring its Plan into conformity with the upper tier plan. The Planning Act also requires a municipality to review their Official Plan once every five years. To date, the City has not conducted a Five Year Review since it was considered premature pending the completion of the Regional Official Plan Review. However, housekeeping amendments have been completed on an on-going basis including the major amendment (OPA #80) that was recently approved.

The format and content of the draft Regional Official Plan is considerably different than the existing Official Plan. The Plan has become more directive rather than regulatory. In addition, the Regional Official Plan will be considered as the prime implementation tool in achieving the goals and fulfilling the strategies put forward in *VISION 2020*. In addition, the OP has added new sections (i.e. subwatershed planning, public safety, greenspace-leisure activities, etc.) dealing with issues that were not contemplated in the late 1970's, and early 1980's.

Based on the above, the City's Official Plan would have to be modified to include new concepts and policies, and to delete out of date policies. The Planning and Development Department has also identified areas of the City's Official Plan that require updating. They include industrial and commercial land use, environmental issues (wetlands, environmentally significant lands, etc.).

At the present time, the Department is reviewing the industrial policies of the Official Plan. The first phase of the study is to prepare a background report detailing the economic changes that have occurred in Hamilton and Ontario with particular attention being paid to manufacturing; employment trends; business development activity and review the industrial areas within the City. The background report will also include a review of the City's and other municipal OP policies, as well as Provincial initiatives, on industrial land use planning. The second phase of the study will involve policy formulation.

Over the next few years, changes to the Official Plan are required to keep the City's Plan up to date and responsive to the planning goals and objectives of the 1990's and beyond.

CONCLUSIONS:

Based on the foregoing,

- 1) That the City of Hamilton endorse the policies contained in Towards a Sustainable Region - Draft Hamilton-Wentworth Official Plan (September 1993) with the exception of the following actions:
 - a) That the "Environmentally Significant Area" designated for the Harbourfront Park, Pier 4 Park and EastPort (titled Hamilton Harbour ESA) be re-evaluated;
 - b) That Policy C.1.4.3 requiring site plan agreements for properties fronting on the lakeshore be revised to eliminate the necessity to undertake site plans for single and two-family dwellings;
- 2) That the City Clerk inform the Regional Clerk of the City's decision and a copy of this report is forwarded.

JHE

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1994 March 23

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the Planning & Development Committee Meeting Held 1994 March 02.

B. ADVISORY COMMITTEE ON GO TRANSIT

GO Transit Environmental Assessment Document - Comments from Advisory Committee on GO Transit

C. CITY SOLICITOR

Offer of Compensation and Notice of Possession
Expropriation of Property at 386 Birch Avenue, Hamilton

D. COMMISSIONER OF PLANNING AND DEVELOPMENT

Application to Remove Part-Lot Control From Lots 56-65 Inclusive, "Rymal Estates" Subdivision

E. BUILDING COMMISSIONER

- (a) Commercial Loan Programme Increase - 1031 King Street West
- (b) Commercial Loan Programme
 - (i) 1023 King Street West
 - (ii) 294 Ottawa Street North
- (c) 1994 Annual Conference of the Ontario Association of Committees of Adjustment.
- (d) Demolition Permits -
 - (i) 775 West 5th Street
 - (ii) 42 Limeridge Road East
- (e) Barton Street Revitalization, Municipal Development Corporation.
- (f) Demolition Permit for One and Two Family Dwellings.

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1994 March 02
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Wilson
Alderman B. Charters
Alderman H. Merling
Alderman F. D'Amico

Regrets: Mayor R.M. Morrow

Also present: Alderman G. Copps
Alderman T. Jackson
Joe Pavelka, Chief Administrative Officer
Victor Abraham, Director of Local Planning
Paul Mallard, Planning Department
Joanne Hickey-Evans, Planning Department
Bill Janssen, Planning Department
John Sakala, Planning Department
Len King, Building Commissioner
Peter Lampman, Building Department
Brian Allick, Building Department
Eugene Chajka, Roads Department
Art Zuidema, Law Office
Mike Watson, Property Department
Roland Karl, Traffic Department
Tina Agnello, Secretary

PUBLIC MEETINGS

1. **Zoning Application 93-46 Squiresgate Enterprises Limited (M. Wasserman, President) and 583144 Ontario Limited (J. Petis, President), owners, for changes in zoning from "D" District, modified (Block "1") and "AA" District (Block "2") to "C" District, for lands located on the west side of Upper Kenilworth Avenue, north and south of Milkyway Drive; Trenhome Neighbourhood**

No one was present in favour or opposed to the application as recommended by the Commissioner of Planning and Development in a report dated 1994 February 18. the Committee recommended to Council as follows:

"That approval be given to Zoning Application 93-46, Squiresgate Enterprises Limited (M. Wasserman) and 583144 Ontario Limited (J. Petis), requesting changes in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified (Block "1") and "AA" (Agricultural) District (Blocks "2" and "3") to "C" (Urban Protected Residential, etc.) District, to permit development for single-family dwellings, for lands located on the west side of Upper Kenilworth Avenue, north and south of Milkyway Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That Block "1" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified to "C" (Urban Protected Residential, etc.) District;
 - (b) That Blocks "2" and "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (c) That the attached By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59B, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and
 - (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area."
2. Rental Housing Protection Act Application SE-93-001, 718-732 Dunn Avenue, Units 1-6 (Parkview West Neighbourhood)

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1994 February 24.

Aiden Tuite, the applicant, was present in support of the application.

Vanessa Gruppe, of the Planning Department, gave a brief presentation. She advised that the applicant proposes to convert six semi-detached rental units to owner units and sell them in the range of \$130,000. - \$138,000. She explained that these units were recently built in 1990 and intended to be sold but, because of the market, were rented. At present, Unit 2 is vacant and all others are rented for a cost of \$900. per month.

The application meets the criteria for approval under the Act. The proposal does not adversely affect the rental housing stock in the area and in the City. The Planning Department has reviewed the application and found that the rental units in this area are in abundance and that the subject units are also in the high rent range. Ms. Gruppe added that these units will be more affordable as purchased units with some qualifications. As of October, 1993, the vacancy rate in the City was 2.9%

As staff has concerns with the impact on the existing tenants, Ms. Gruppe explained that the one condition is that existing tenants should be offered the first right of refusal to purchase the units.

Dale Amy, representing the applicants, advised that the tenants have been given first right of refusal and that all tenants have expressed interest in writing to purchase.

Alderman Wilson stated that he had spoken to two tenants who are unaware of the price being requested. He also advised that one unit has been appraised at \$119,000. As such, he has reservations and he requested copies of the letters of intent which were forwarded to the tenants.

Bill Janssen stated that the \$138,000. suggested price is a maximum and that the owner can sell at a lower price.

Alderman Eisenberger suggested that there be an amendment to the purchase price to an appraised market value as of the 31st of March, 1994.

Vanessa Gruppe added that she has been advised by the applicant that all tenants have been made aware of the purchase price.

Mr. Tuite advised that originally the units were to sell for \$145,000.

Alderman Copps was concerned that the issue should not be the cost of the units, but whether or not the units should be sold as owned units as opposed to being rental units.

Mr. Amy also added that should the tenants not wish to purchase, they immediately get two-year lease.

Following discussion, the Committee moved to table the matter to the next regular meeting and requested that the Aldermen, staff, tenants and applicants are to meet to discuss the cost of the units.

3. Zoning Application 93-39, J. Amatangelo, owner for a redesignation from "Residential" to "Commercial" (Block "2") and changes in zoning from "AA" District to "R-4" District (Block "1"), "G-1" District (Block "2"), and "C" District (Block "3") for lands located at the northwest corner of Rymal Road West and Garth Street: Falkirk East Neighbourhood (Tabled from last meeting)

There were four submissions received from:

- (a) R.W. Ashbaugh, 509 Rymal Road West
- (b) J. & J. Parkinson, 477 Rymal Road West
- (c) M. & R. Ferretti, 473 Rymal Road West
- (d) Sergio Manchia, Planner, Planning Initiatives Ltd.

Paul Mallard advised that this application was tabled at the last meeting in order to allow the Ward Aldermen to meet with the applicant and neighbourhood residents.

Alderman D'Amico advised that the applicant has made concessions with regard to restriction to Neighbourhood Commercial rather than General Commercial and regarding to the height of the structure being limited to 11 meters and not three storeys.

Paul Mallard advised that the staff recommendation to deny the application remains unchanged. He stated that 11 meters still facilitates a three storey building and that the proposal requires a change in the road pattern in the Neighbourhood Plan and therefore no provision has been made for servicing to some of the land. He also questioned the existence of a walkway in the plan which may cause future concern to the City should the owners wish the City to take it over.

Of 49 notices that were circulated, four residents replied in favour and four were opposed.

Sergio Manchia and John Ariens, of Planning Initiatives, were present on behalf of the applicant.

Mr. Manchia advised that it has always been the intent to have a commercial plaza in this area and that, with regard to servicing and traffic, there will be some easements and rights of ways with some property owners. He stated that it is intended to create a focal point at this intersection on a signalized major Regional road.

Mr. John Parkinson, of 477 Rymal Road West, was present. He stated that in 1989, when the application was made, there was not a lot of opposition to it, but this new application requests another 1.6 acres. He felt that further commercial intrusion onto the residential neighbourhood should not be allowed.

Alderman Charters stated that he supports staff. He added that there are many parcels for commercial opportunities in this neighbourhood and as such he cannot be convinced of the need in this location.

A motion was placed on the floor to approve the zoning application as per the conditions stated in the submission of Sergio Manchia of Planning Initiatives. This motion was defeated.

Subsequently, the staff recommendation for denial was moved and defeated on a tie vote.

As per City policy, the recommendation of the Commissioner of Planning and Development dated 1994 February 08 would be forwarded to Council as follows:

That Zoning Application 93-39, Mr. Jerry Amatangelo (Intrust), owner, requesting an Official Plan Amendment and change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwellings) District for Block "1"; to "G-1" (Designed Shopping Centre) District for Block "2"; and to "C" (Urban Protected Residential etc.) District for Block "3", for lands located at the north-west corner of Garth Street and Rymal Road West, shown as Blocks "1", "2", and "3" on the attached map marked as APPENDIX "B", be DENIED for the following reasons:

- (a) The proposal conflicts with the intent of the Falkirk East Neighbourhood Plan, in that the land area proposed for commercial use is 2.6 x larger than the area designated for commercial use (i.e. 1.0 ac);
 - (b) The proposal conflicts with the intent of the Falkirk East Neighbourhood Plan which is to provide for neighbourhood convenience type uses, whereas the requested "G-1" (Designed Shopping Centre) District provides for community based type uses;
 - (c) There is an adequate supply of commercially designated and zoned sites in the south mountain area to serve the residents of the community;
 - (d) The proposal to permit small lot single-family dwellings conflicts with the intent of the Official Plan, in that the area lacks diversity and would result in an over-concentration of similar dwelling sizes and types within the easterly portion of the Falkirk East Neighbourhood; and,
 - (e) Approval of the application would not contribute to a desirable mix of housing and, if approved, would encourage other similar applications.
- LOST.

NOTE: THE ABOVE-NOTED RECOMMENDATION WAS DEFEATED ON A TIE VOTE AT THE PLANNING AND DEVELOPMENT COMMITTEE MEETING OF 1994 MARCH 02 AND IN ACCORDANCE WITH THE

ESTABLISHED POLICY IS NOW BEING SUBMITTED TO CITY COUNCIL FOR FINAL DISPOSITION.

4. Grass Cutting Charges - 123 Market Street

Alderman Eisenberger stated that in this case there should be some leniency not to assess charges especially in light of the fact that intent was shown to have the grass cut.

Brian Allick gave a brief history of the charges which were laid. There was a complaint in early September. On September 8 an Order to Comply was issued. By September 28th, the grass had not been cut and arrangements were made to have the grass cut. There was no contact with the people in the house, even though several attempts were made. The Order was posted on the front door and there was no action within 21 days. In early October the grass was cut by the City crews and the owners were assessed charges on their tax bill.

Alderman Merling stated that he can provide several examples of elderly couples who must maintain their own grass and in some cases these people do not have children to maintain their property as do the owners of 123 Market Street. He stated that should you forgive these rates, there are many other people who will request that their grass cutting charges be forgiven as well. It would set a very bad precedent and he is not in favour of doing this.

Alderman Agostino stated that exception to policy can be approved by the Committee. He also reiterated that part of the work had been done and that on compassionate reasons this charge should be forgiven since the couple is elderly and in their 80's.

Alderman Charters was concerned that the residents, or the children of the residents, did not contact the City to show that they intended to cut the grass since it was already 3-4 feet in height and had not been cut.

Alderman Kiss concurred with Alderman Eisenberger and added that legally we should not charge them.

Alderman Copps stated that regulations are made and must be enforced. She was also concerned about the abutting neighbours who maintain their property and have a neighbour with 3 feet high grass. She also stated that there are many elderly people who do not cut their lawns but ensure that they are well maintained. Alderman Wilson concurred.

A motion was placed on the floor to forgive the charges and was defeated. The Committee then moved to receive the request.

5. COMMISSIONER OF PLANNING AND DEVELOPMENT

(a) Outstanding Official Amendment and Rezoning Applications

As recommended by the Commissioner of Planning and Development in a report dated 1994 February 21st the Committee recommended to Council as follows:

- A. That the following Council resolutions be repealed in their entirety:

- (a) Section 20 of the Twenty-Eighth Report of the Planning and Development Committee for 1989, respecting Official Plan Amendment and Zoning Application 88-98, Cupido Realty and Insurance Limited, prospective owner, for a change in zoning from "K" (Heavy Industry, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, to permit development for apartments and townhouses, for lands located at Nos. 263, 265, 267, 269, 271 and 279 Bay Street North, 107 Stuart Street and 36 Tiffany Street;
 - (b) Section 13 of the First Report of the Planning and Development Committee for 1990, respecting Official Plan Amendment No. 84 and Zoning Application ZA-89-94, J. and E. Spenuk, owners, for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, to permit development for a commercial plaza, for lands located at No. 820 Rymal Road East;
 - (c) Section 17 of the Thirteenth Report of the Planning and Development Committee for 1991, respecting Official Plan Amendment No. 103 and Zoning Application 89-113, 546544 Ontario Inc. (J. Sulug, President), owner, for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District, to permit parking in conjunction with an adjacent commercial use, for lands located on the south side of Strawberry Drive and east of Lake Avenue;
 - (d) Section 17 of the Eighth Report of the Planning and Development Committee for 1990, respecting Zoning Application 90-05, Beckville Holdings Ltd., prospective owner, to permit a high density mixed commercial/residential development, for lands located in the block bounded by Main Street West, Caroline Street South, George Street and Hess Street South;
 - (e) Section 13 of the Tenth Report of the Planning and Development Committee for 1992, respecting Zoning Application 91-54, A. Dabner and D. Hill, owners, for a modification to the "K" (Heavy Industry, etc.) District regulations, to permit an established two-family dwelling, for lands located at No. 276 Sanford Avenue North;
 - (f) Section 2 of the Third Report of the Planning and Development Committee for 1992, respecting Zoning Application 91-64, Canadian Japanese Cultural Centre at Onteora, prospective owner, for a modification to the "M-14" (Prestige Industrial) District regulations, to permit a cultural centre, for lands located at No. 95 Unsworth Drive; and,
 - (g) Section 11 of the Second Report of the Planning and Development Committee for 1992, respecting Official Plan Amendment No. 105 and Zoning Application 91-66, J. Beume Real Estate Ltd., prospective owner, for a modification to the "L-mr-2" (Planned Development - Multiple Residential) District regulations, to permit general offices within the existing building, for lands located at No. 121 Augusta Street.
- B. That the City Solicitor be directed to prepare a By-law to repeal By-laws Nos. 90-168 (Official Plan Amendment No. 84), 91-186 (Official Plan Amendment

No. 103) and 92-055 (Official Plan Amendment No. 105), for presentation to City Council.

- C. That the City Clerk be directed to notify the Region of Hamilton-Wentworth respecting the above.

Alderman Merling noted that the application fees not be refunded.

(b) A New Approach to Land Use Planning in Ontario - City of Hamilton Comments

As recommended by the Commissioner of Planning and Development in a report dated 1994 February 22, the Committee recommended to Council as follows:

That the City Clerk be directed to forward the following recommendations in response to the Provincial Consultation Paper "A New Approach to Land Use Planning in Ontario", and a copy of the report to the Minister of Municipal Affairs and Hamilton-Wentworth Region:

- (a) Give municipalities adequate details of the streamlining initiatives, including any proposed legislative changes, and an opportunity to respond thereto, prior to their implementation.
- (b) Clarify whether guidelines will be prepared for some or all of the proposed Policy Statements and, if so, identify those that will have guidelines.
- (c) Consider the following with respect to the use of "shall be consistent with" in the Planning Act:
 - (i) it may reduce the flexibility of some of the policies;
 - (ii) clarification is required as to whether municipal policies can be more restrictive than the proposed Policy Statements; and,
 - (iii) clarification is required as to whether the province will deem matters consistent with provincial policies to be of provincial interest and, therefore allow appeals to Cabinet.
- (d) The proposed Natural Heritage, Environmental Protection and Hazard Policies should include:
 - (i) a clear, geographical definition of the "significant" ravines, rivers, streams, woodlots and natural corridors; and,
 - (ii) separate policies for natural hazard lands and man-made hazard lands.
- (e) The City of Hamilton supports the proposed Community Development and Infrastructure Policies.
- (f) The proposed Housing Policies should include a justification for the 5% increase in the proportion of affordable housing.
- (g) The City of Hamilton supports the proposed Conservation Policies.

- (h) In the proposed Implementation and Interpretation Policies, the following be considered:
 - (i) a clear identification is needed as to who and how conflicts between Policy Statements will be resolved;
 - (ii) definitions of "significant" as it applies to the Natural Heritage, etc. policies, and "municipal plan" are required;
 - (iii) a provision should be introduced for allowing planning decisions to be made based on policies applying at the time of the application; and,
 - (iv) clarification is needed that the Policy Statements do not have to be adopted by a municipality or incorporated word for word in to their Official Plans.

(c) 1994 Work Programme - Local Planning Branch of the Planning and Development Department

Victor Abraham advised that most projects are ongoing and new projects are added each year.

Alderman Merling noted that 150 staffing hours are spent on special purpose Committees which are presently under review. He said the document is a guideline and is useful. He noted that 2 million dollars are spent Regionally. He also noted that the Planning staff is contracted with the Region and there is some concern with this since the head of the Regional department wears two hats - that of Provincial Minister and that of Regional Department Head.

Alderman Wilson stated that staff has always been willing to help and explain matters regarding planning issues.

As recommended by the Commissioner of Planning and Development in a report dated 1994 February 18, the Committee endorsed the 1994 Work Programme of the Local Planning Branch of the Planning and Development Department.

6. SENIOR DIRECTOR, ROADS DEPARTMENT/COMMISSIONER OF PLANNING AND DEVELOPMENT

(a) Implementation Procedures for Securities with Respect to Site Plan Control Applications

In response to a question regarding Item (v), Art Zuidema advised that Council may wish to exempt certain bodies and that is why this section is included in the document.

Eugene Chajka advised that the security requested is to ensure that public funds are not being spent on securing site plan conditions which are not met by developers.

25%, for example, of the security is held, the developer may walk away from the project and leave the City to complete the work. Mr. Zuidema also stated that this document attempts to consolidate all approvals related to site plans in the site plan process. He added that if there is great concern with the maintenance then the site plan should be registered on title to ensure that new owners commit to the previous owner's site plan.

Alderman Charters was concerned with the 100% security and suggested that it be reduced. He also suggests that site plans be registered on title.

Alderman Wilson stated that the 100% security is not dollars up front but in the form of a letter of credit. Alderman Jackson concurred.

Victor Abraham stated that registration on title is not being recommended by staff because it is a very lengthy process and causes many delays. The money which is held by the developer can be used by the City if the site plan is not completed and even if minor changes are made to the agreement it is still a lengthy process to re-register the documents on title.

Art Zuidema suggested that should the site plans be registered that the registered plans be used as a reference only and that the actual plans be kept with the City.

Mr. Chajka suggested that maintenance should not be controlled to an extreme since there are other mechanisms available to control maintenance such as property standards.

Alderman Eisenberger was concerned that site plan work is not being completed. Through a letter of credit this would be done. He suggested that it is not a hardship to ask the developers to do work which they should be doing in the process of completing the project. The only cost to the developer would be the interest and in terms of time this will encourage the developer to complete the work sooner.

Alderman Drury supported the procedures for securities with respect to site plan control applications and stated that many cities have this system, or a similar system, in place.

Following discussion, the Committee approved the recommendation of the Senior Director of the Roads Department and Director of Local Planning dated 1994 February 16 and forwarded to Council the following recommendation:

- A. That the following be adopted and included in the City's Site Plan Agreements to implement Council's May 11, 1993 decision requiring security in conjunction with the approval of Site Plans to ensure that the required exterior works (such as access lanes, parking areas, fences and landscaping, etc.) are constructed and are in accordance with the approved Site Plans:
 - (a) The owner shall provide cost estimates of the required exterior works prepared by a qualified architect, landscape architect or professional engineer satisfactory to the Commissioner of Transportation/Environmental Services;
 - (b) The owner shall provide the City with financial security for 100% of the estimated cost of the exterior works required by the approved Site Plans (exclusive of the building(s));

- (c) The owner shall provide such security in the form of cash or an irrevocable Letter of Credit satisfactory to the city Treasurer and prior to the City's execution of the Site Plan Agreement. The security, if necessary, shall be used to complete and/or rectify works in accordance with the approved site plans and restore adjacent municipal property damaged during construction. Costs in excess of the security held shall be paid by the owner and, if necessary, added to the tax roll for recovery in the same manner as taxes;
- (d) Notwithstanding items (ii) and (iii) above, City Council may exempt projects being carried out by government (Federal, Provincial and Municipal), as well as School Boards projects, from providing securities;
- (e) The exterior works required by the Site Plans shall be completed by the owner within three months of first occupancy, prior to the use of the land in connection with any licence that has been issued or is to be issued and used in relation to the land, or within twelve months of commencement of construction, including buildings, whichever is earlier. A request in writing for an extension to this time limit may be requested from the Building Commissioner prior to the expiry date;
- (f) The owner shall grant an Easement to the City free and clear of encumbrances, to permit the City or its agent to enter the property to complete and/or rectify exterior works required by the Site Plans. The Easement in favour of the City and the Site Plan Agreement shall be prepared by the owner's lawyer in a form satisfactory to the City Solicitor. The owner's lawyer shall certify to the City in a form satisfactory to the City Solicitor, that the Site Plan Agreement and the Easement have been entered into by the registered owner of the land and that the Easement has been registered by the owner's lawyer free and clear of encumbrances;
- (g) Generally, Site Plan Agreements will not be required to be registered on title. (the Building Department, Planning Department and Roads Department are of the opinion that the combined requirements of securities and a registered Easement in favour of the City will be sufficient to ensure that exterior works are completed according to approved site plans without site plan registration on title.) The City always has the right to require registration of Site Plan Agreements on a site by site basis where circumstances warrant;
- (h) A Building Permit shall be issued only after
 - security has been received by the City Treasurer;
 - a lawyer's Certificate has been received confirming execution of the Site Plan Agreement and registration of the Easement;
 - the other usual requirements for the permit are fulfilled;

- the other usual requirements for the permit are fulfilled;
 - (i) Security will be retained by the City until all of the works and facilities required in the Site Plan Agreement are completed - notwithstanding any interim sale of the land;
 - (j) Where the Building Commissioner is satisfied with,
 - (i) a professional Engineer's certificate that the grading and retaining walls shown on a Site Plan Agreement have been completed; and
 - (ii) a professional Engineer's, Architect's or Landscape Architect's Certificate that the balance of the required exterior works have been completed, then:
 - (a) a discharge of the City's Easement and a discharge of the Site Plan Agreement (if registered), prepared by the owner's lawyer may be executed by the City for the owner to register;
 - (b) the Site Plan Agreement is deemed discharged by the City and the Building Commissioner may request the City Treasurer to release, without interest, the security to the current owner (provided that the owner's lawyer certifies that the owner requesting the refund is the current owner); and
 - (c) the owner of the land has no further obligations to the City under the Site Plan Agreement.
- B. That the current procedure of an owner signing undertakings on Site Plans be replaced with the above requirement that the approved plans be attached to a Site Plan Agreement signed by the owner and the City.
- C. That for large projects, to be constructed over a period of time, staff be authorized to identify independent geographic phases (if any) of a development and allocate security required for each phase, provided that such a phase can exist independently or in conjunction with previous or concurrently completed phases. The owner must provide satisfactory security prior to obtaining a building permit for any subsequent phase.

The individual phases of such a development will be treated as if each phase were a separate site plan. Each phase would have to include all works and facilities such that it could exist if no other phases of the development proceeded. The securities for a phase could then be returned independent of other phases. Each phased development shall be dealt with on a site by site basis.

7. Referral from Committee of the Whole - Proposed Canada/Ontario Infrastructure Works Programme

The Committee moved to receive the referral from the Committee of the Whole dated 1994 February 25.

8. OTHER BUSINESS

(a) Central Business District - Payment of John Mokrycke's Fees

The Committee was in receipt of an added information report dated 1994 March 01 from the Director of Local Planning with regard to the payment of John Mokrycke's fees.

The Committee noted that the remuneration which was approved by City Council at its meeting of 1994 February 22 be provided from Account No. 5698-5488-41006.

(b) Alderman Merling - Committee of Adjustment

Alderman Merling stated that he is concerned that Planning staff is rigid in their comments to the Committee of Adjustment. He would like the approach to Committee of Adjustment applications reviewed. He said that in the near future Council may be the appealing body to Committee of Adjustment applications. He suggested that Planning staff investigate what other municipalities are doing and how the City of Hamilton Planning department could be more flexible.

9. CONSENT AGENDA

(a) Adoption of the Minutes (added)

The minutes of the Planning and Development Committee meeting held 1994 February 16 were approved as circulated.

THE COMMITTEE RECOMMENDED TO COUNCIL VARIOUS RECOMMENDATIONS AND REPORTS AS FOLLOWS:

(b) DIRECTOR OF PROPERTY

Release of Building Covenants - City Sale of Hamilton Finlay Fish Limited, 330 Nash Road North, Hamilton - Part of Parcel "A" Plan 1299, Nashdale Industrial Estates No. 2 Construction Covenants as Contained in City Deed 84714 A.B. dated 1994 February 18.

That the Mayor and City Clerk be authorized and directed to execute the necessary documents to release the property at 330 Nash Road North, Hamilton, from the construction covenants to the City as contained in City Deed 84714 A.B. registered on 1968 March 18.

(c) DIRECTOR OF PUBLIC WORKS

(a) **Main Street Esplanade Business Improvement Area - Proposed Budget and Schedule of Payments for 1994 dated 1994 February 21.**

- (a) That the 1994 operating budget of the Main Street Esplanade B.I.A., attached hereto as Appendix "C", be approved in the amount of four thousand, four hundred dollars (\$4,400.); and,
- (b) That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1994 budget as referenced in (a) above; and,
- (c) That the following Schedule of Payments for 1994 be approved:

| | |
|-----------|----------|
| March 01 | \$2,200. |
| August 01 | \$2,200. |

NOTE: 1993 Levy Arrears will be deducted from the two payments for 1994.

- (b) **Barton Street Business Improvement Area (B.I.A.) - Proposed Budget and Schedule of Payments for 1994 dated 1994 February 17**

- (a) That the 1994 operating budget of the Barton Street B.I.A., attached hereto as Appendix "D", be approved in the amount of five thousand, seven hundred and fifty dollars (\$5,750.); and,
- (b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, of the Municipal Act, R.S.O.1990, to levy the 1994 budget as referenced in (a) above; and,
- (c) That the following Schedule of Payments for 1994 be approved:

| |
|-------------------|
| 1994 April 01 |
| 1994 September 01 |

NOTE: 1993 levy arrears will be deducted from the two payments for 1994.

(d) **BUILDING COMMISSIONER**

Demolition Permits

That the Building Commissioner be authorized to issue a demolition permit for:

- (a) 150 Catharine Street South
- (b) 152 Catharine Street South
- (c) 43 Strathcona Avenue North

10. **CONFIDENTIAL AGENDA**

The Committee moved in camera to discuss personnel matters and reconvened immediately thereafter with the following report:

That the recommendation of the Chief Administrative Officer dated 1994 February 15 be recommended to Council as follows:

- (a) That the position of Co-ordinator Housing Loans be deleted effective December 31, 1994 and the new organizational structure for the Building Department, as shown on Appendix "E" be approved.
- (b) That the position of Housing Loans Clerk be eliminated and a new position of Customer Service Representative/Housing Loans Officer be created and the new organizational structure for the Housing and Loans Division, as shown on Appendix "F" be approved.
- (c) That the newly established positions of General Manager of Housing and Loans and Customer Service Rep/Housing Loan Officer and the existing positions of Building Commissioner and Housing Co-ordinator be referred to the Commissioner of Human Resources for classification.
- (d) That there be no negative effect on the Municipal Non-Profit (Hamilton) Housing Corporation, and that there be no effect on the relationship between the General Manager of Housing and the Municipal Non-Profit (Hamilton) Housing Corporation Board of Directors.

11. ADJOURNMENT

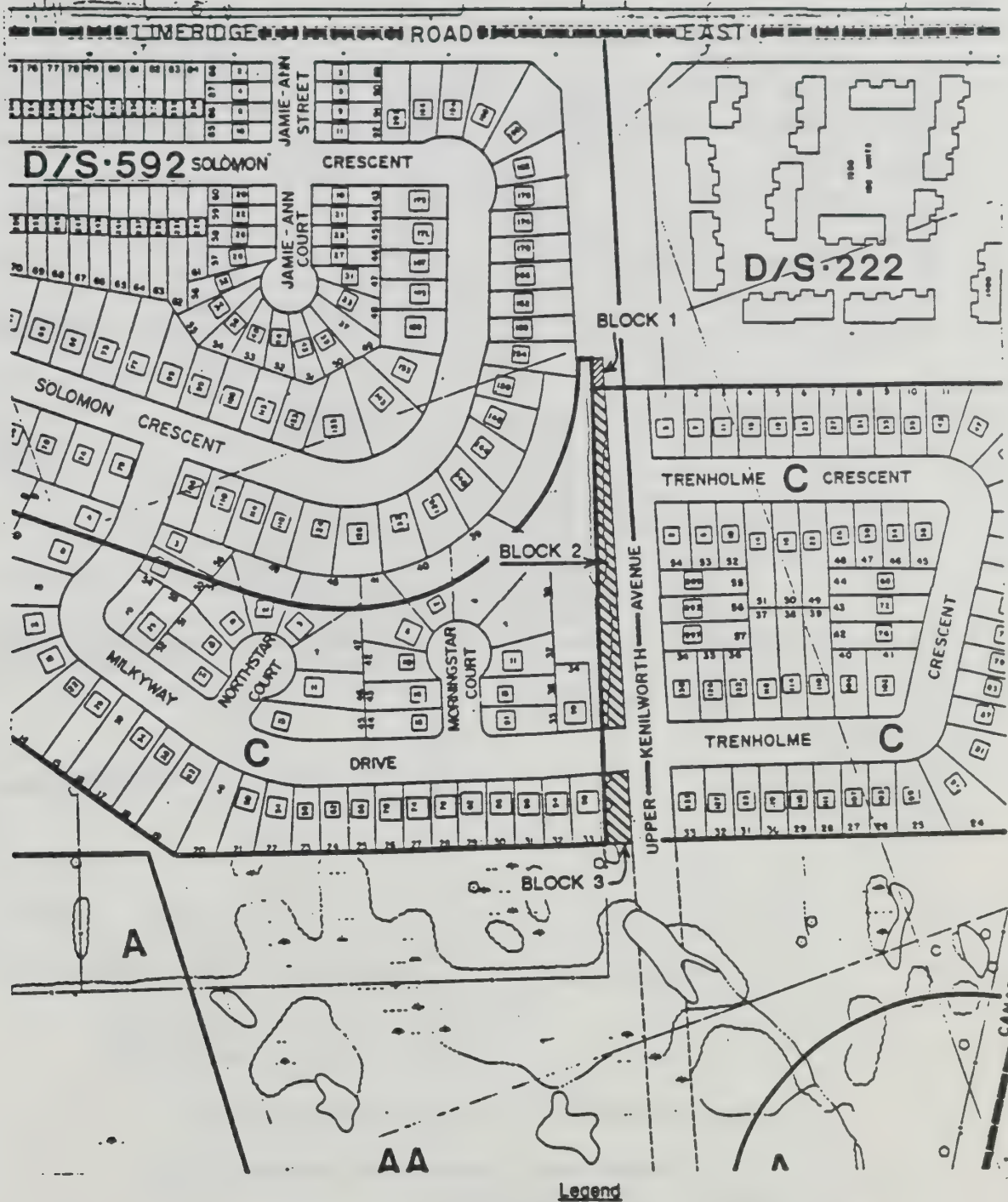
There being no further business, the meeting then adjourned.

Taken as read and approved.

Alderman D. Drury
Chairperson
Planning and Development Committee

Tina Agnello
Secretary
Planning and Development Committee

/jt



Proposed Changes in zoning from:



BLOCK 1

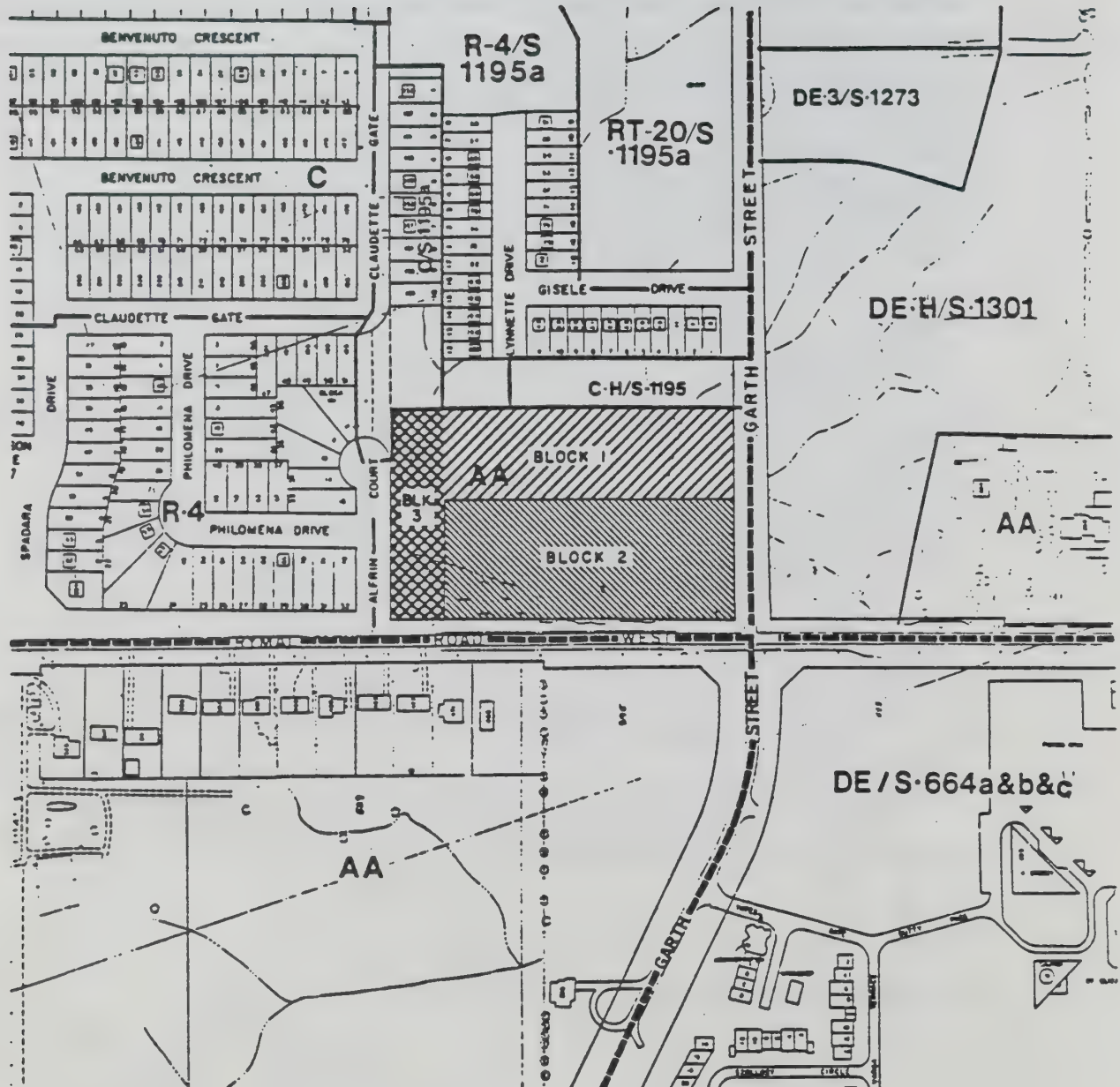


"D" (Urban Protected Residential - One and Two-Family Dwellings etc.) District modified to "C" (Urban Protected Residential, etc.) District

BLOCKS 2 and 3






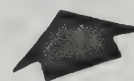
"AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District



Legend

Proposed change in zoning from "AA" (Agricultural) District to:

- | | | |
|---------|---|--|
| BLOCK 1 |  | "R-4" (Small Lot Single-Family Detached) District. |
| BLOCK 2 |  | "G-1" (Designed Shopping Centre) District. |
| BLOCK 3 |  | "C" (Urban Protected Residential, etc.) District. |



ZAC-93-39

MAIN WEST ESPLANADE

BUDGET

EXPENSES

REVENUE

Administration

| | |
|--------------|--------|
| Bank Charges | 25.00 |
| Insurance | 375.00 |
| Auditor | 300.00 |
| Meetings | 400.00 |

| | |
|-----------------|---------|
| 1994 Levies | 4400.00 |
| Christmas Grant | 1000.00 |

Maintenance

| | |
|------------------|---------|
| Christmas Decor | 1600.00 |
| Barrier Cleaning | 300.00 |
| Hydro | 1400.00 |

| | |
|-------|---------|
| TOTAL | 4400.00 |
|-------|---------|

oustanding levies
93'

| |
|---------|
| 1000.00 |
|---------|

| | |
|--------------|---------|
| TOTAL BUDGET | 5400.00 |
|--------------|---------|

| | |
|-------|---------|
| TOTAL | 5400.00 |
|-------|---------|

TOTAL AMOUNT TO BE LEVIED IN 1994

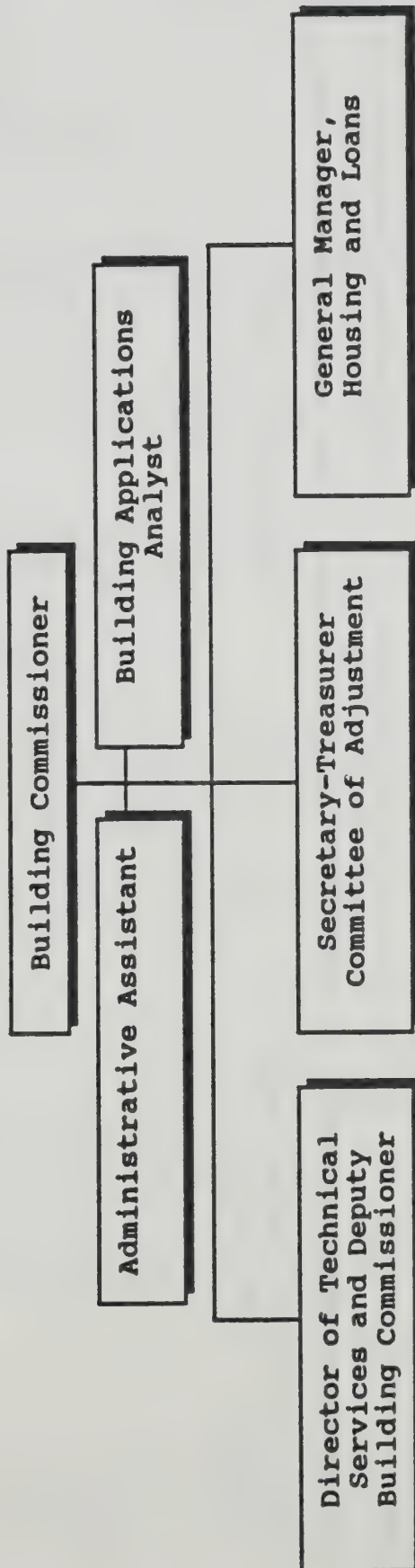
\$4400.00

BARTON STREET BUSINESS IMPROVEMENT AREA

APPROVED BUDGET FOR 1994

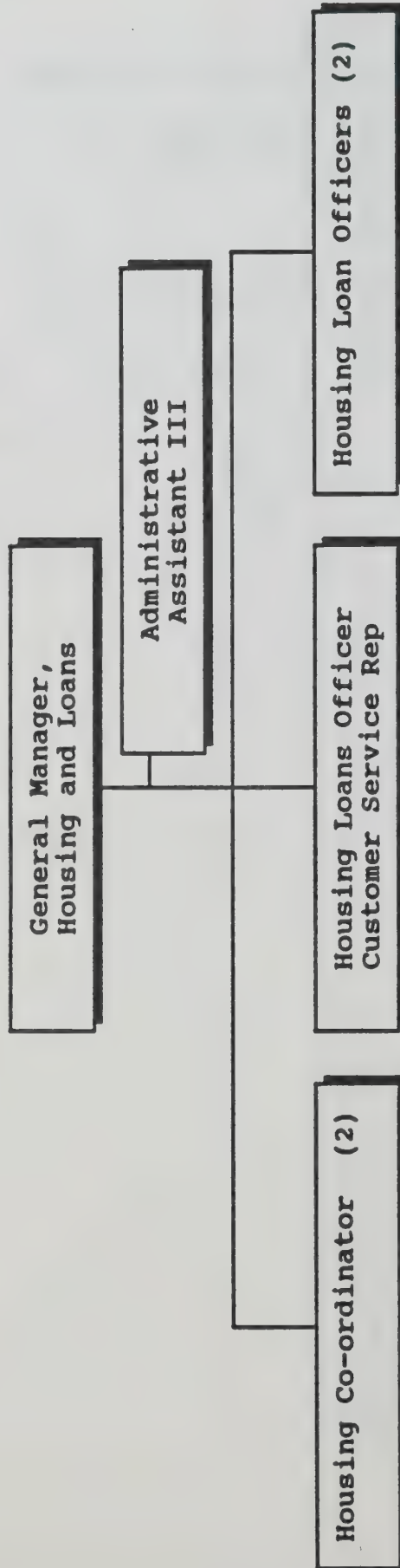
| | |
|----------------|----------|
| Barton Bash | \$2,000. |
| Promotion | 1,000. |
| Administration | 700. |
| Insurance | 400. |
| Bank Charges | 75. |
| Audit | 300. |
| Project | 1,000. |
| 5% contingency | 275. |
| TOTAL | \$5,750. |

BUILDING DEPARTMENT



February 11, 1994

BUILDING DEPARTMENT



Eliminated - Co-ordinator Housing Loans
- Housing Loans Clerk

February 11, 1994

B.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: March 16, 1994
(TC-CAP(F))

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Gil Simmons, Chairperson
Advisory Committee on GO Transit

SUBJECT: GO Transit Class Environmental Assessment Document
- Comments from Advisory Committee on GO Transit

RECOMMENDATIONS:

- A) That the Minister of Environment and Energy, and GO Transit, be provided with the attached comments regarding the GO Transit Class Environmental Assessment Document, November 1992, as contained in Appendix "A";
- B) That the City Clerk be directed to forward a copy of this report to the Minister of Environment and Energy, and GO Transit.



Gil Simmons, Chairperson,
Advisory Committee on GO Transit

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The GO Transit Class Environmental Assessment Document, November 1992, which is undergoing the final stages of public review, was prepared to identify the process for the evaluation of various commuter rail and bus facility projects in the Province.

- Types of projects are proposed to be classified into groups, according to anticipated level of impact. The classification is as follows: projects automatically approved; those with insignificant impact; one environmental impact; or several impacts;
- Each group of projects is proposed to require a different level of EA review, with resulting differences in the detail and length of studies, and the number of agencies to be circulated. Some groups would be deemed automatically approved, such as changes in service;
- New projects are to be screened by GO Transit to determine which group of projects they fall within, and would be studied or automatically approved as necessary for that group;

As a result, some projects would not require the detailed review presently inherent in the individual EAs which are undertaken for many projects. Rather, GO Transit would have direction on how to proceed with all projects within a given group, some of which would require less extensive study.

The Class EA Document, which is dated November 1992, has been in preparation for some time, and represents a periodic review of the related EA procedures. Public comments on the document were requested by means of a newspaper notice on February 19, 1994, with a deadline of March 16, 1994.

COMMENTS:

The Advisory Committee on GO Transit is a subcommittee of the Planning and Development Committee, which was established in 1992 to facilitate involvement of citizen groups and other advisory committees in the Hamilton GO Transit project. The Committee has been involved in commenting on aspects of the GO Station, the Train Layover Yard, and improvements to the CP Rail right-of-way. It includes members of neighbourhood associations from Stinson, Kirkendall, Durand and other areas, as well as the Central Area Plan Implementation Committee, and other groups.

Members of the Stinson Community Association reviewed the Class EA Document in detail, as well as the review of the document prepared by the Province. As a result of this review, a number of concerns and comments were identified by the Stinson citizens. The proposed process has implications for the train layover yard associated with the Hamilton GO Transit project, since the study of this yard may not involve sufficient review, public notification and circulation to agencies under the new EA process. A letter from the Stinson Association dated March 10, 1994 was prepared and forwarded to the MOEE outlining various specific and general comments.

The Advisory Committee on GO Transit met most recently on March 10, 1994, to discuss the Class EA Report as well as aspects of the public participation process for the Hamilton GO Transit layover yard. The Committee endorsed the comments contained in the March 10, 1994 letter, and asked that they be forwarded to the MOEE, on their behalf. Appendix "A" to this report outlines these comments, which have been clarified by staff of the Planning and Development Department.

CONCLUSIONS:

The comments and concerns regarding GO Transit's Class Environmental Assessment Document, November 1992, as contained in Appendix "A", are to be forwarded to MOEE and GO Trans

Appendix "A"**Comments on Class Environmental Assessment Document****GO Transit should develop facilities which:**

- meet the operational needs of GO Transit and any other affected railways;
- are optimal in terms of all environmental factors, including social, economic, physical, environmental, health, etc.;
- produce minimal impacts on adjacent residents, in terms of their day to day quality of life, especially for residents who live in the immediate vicinity; and,
- are developed with full awareness, participation and input by all affected citizens and agencies, throughout the entire selection process.

Project Rating System should:

- consider residential contact at any juncture regarding related significant impacts as desirable to promote neighbourhood responsibility.

Notification Provided to the Regional and Local Municipality should include:

- detailed engineering information including design, exact details of operations, noise levels arising from operations, any type of background information the municipality may request; and,
- in addition, GO Transit should be encouraged to go through the normal development process, including submission of building permits, site plans, etc.

Notification of Residents should:

- be carried out cooperatively with Regional and Local municipalities;
- include an accurate description and pertinent information to identify possible impacts;
- include newspaper advertisements containing key maps which outline the exact location of the proposed project, information describing the intent of any proposal, related details, and indicating whether there are controversial components; and,
- be mandatory for projects that are within 300 m of any residence or other impacted land use.

Bump-ups should:

- be performed without malice or the intent to jeopardize the entire project;
- not put the onus on residents and municipalities to compile extensive detailed technical information which is beyond their area of expertise;
- delegate GO Transit and the MOEE to analyze the information and work cooperatively with concerned parties to ensure that the residents are protected from adverse impact.

Individual Environmental Assessments should:

- be performed when a portion of the proposal is within 300 m of a residence; and,
- allow for such a portion to be considered as an individual Environmental Assessment, although the entire project is not.

Responses to controversial aspects should:

- be considered and addressed;
- be actively examined by the MOEE and GO Transit; and,
- be mitigated with conditions that are precise and effective to ensure cooperation between all parties concerned.

Mitigation Measures should:

- take into consideration the desires of the community affected without dismissing their concerns;
- reflect responsible corporate citizenship; and,
- be achieved through timely negotiations with the residents, GO Transit, Regional and Local Municipal staff, elected provincial representative(s), MOEE staff and any other stakeholders, so that the burden of negotiation is shared by these stakeholders and the affected residents, and to reflect involvement and concern by elected and provincial agencies.

Ministry of Environment and Energy and GO Transit should:

- have equal responsibility to ensure the protection of the environment, through enforcement of the Environmental Protection Act, in terms of this process.

C.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 March 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: Offer of Compensation and Notice of Possession
Expropriation of Property at 386 Birch Avenue, Hamilton

RECOMMENDATION:

That with respect to 386 Birch Avenue, former residential property, expropriated by Expropriation Plan 138710 registered on November 19, 1992, for purposes of removing a non-conforming use in an industrial zone, (pursuant to Expropriation By-Law No. 92-208 enacted on August 25, 1992),


(a) the City Clerk be authorized and directed to:

- (i) Sign and serve Notice in accordance with Section 39 of the Expropriation Act, R.S.O. 1990, C. E-26, that possession of the expropriated land is required;
- (ii) Sign and serve Offers of Compensation in accordance with sec. 25 of the Expropriations Act for the expropriated land as follows:

| | |
|------------------------------------|---|
| \$6,620.00 - Life Estate Interest | - Freddie Pilgrim - Spouse of Freddie Pilgrim - Edith Ilse Pilgrim |
| \$1,880.00 - Reversionary Interest | - Carrier Canada Limited, former mortgagee - Revenue Canada (Taxation) - D.S. Fraser Equipment Inc., execution creditors - Taylor Steel Inc. - Valance Brown & Co. Ltd. |

\$8,500.00 - Total Offer of Compensation

- (b) The City shall acquire, by purchase, the title held by the Public Trustee of Ontario (as a result of dissolution of F. Pilgrim & Co. Ltd., registered owner of this property) upon payment of \$5,000.00 for its interest in the property and its administrative expenses.


P. Noé Johnson

FINANCIAL IMPLICATIONS

There are sufficient funds in Account No. CF 5590 308750001, the City's Alpha Enclave Clearance Program account.

BACKGROUND:

This land (except for the interest of the Ontario Public Trustee, referred to below) was expropriated by the City's Expropriation Plan pursuant to Expropriation By-Law No. 92-208, enacted on August 25, 1992.

Under The Expropriation Act, in order to acquire possession of the expropriated land, the City is required to make an Offer of Compensation and to give Notice of its intention to take possession. Possession is required of the abandoned property in connection with the proposed sale negotiations contemplated by the Property Department with Philip Enterprises Inc. to sell the assembled lands in Alpha West.

An independent appraisal has been prepared by Humphreys Morrison Anderson Inc., dated December 23, 1993, which valued the land at \$8,500.00. This land value is composed of two separate parts: one, a life interest held by Freddie Pilgrim, and the remainder interest of the last registered owner, namely F. Pilgrim and Co. Ltd. The life interest has been valued at \$6,620.00 while the remainder or reversionary interest is valued at \$1,880.00. Copies of the appraisal will be served upon the interested parties together with the City's Offer of Compensation. The said Offer of Compensation and Notice of Possession are recommended by the Director of the Property Department.

Effective October 2, 1989 the Ontario Public Trustee acquired the ownership title in this property held by the registered owner, F. Pilgrim & Co. Ltd., as a result of the dissolution of this private company. The City does not have the legislative authority to expropriate the escheated interest. However, the Public Trustee has agreed to release its interest in the land to the City upon payment of \$5,000.00 in respect of its interest in the property and its administrative expenses. The release of interest from the Public Trustee would replace the Release received from the registered owner, F. Pilgrim & Co. Ltd.

c.c. D. W. Vyce, Director of Property

D.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 March 14
(PLC-H-94-01)

MAR 16 1994

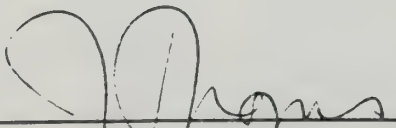
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

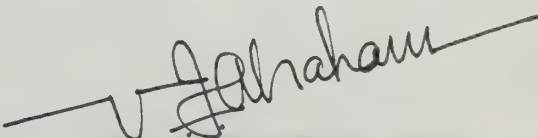
SUBJECT: Application to remove part-lot control from Lots 56-65,
inclusive, "Rymal Estates" subdivision.

RECOMMENDATION:

- a) That the request of Ralph Frisina, owner, 100 Main Street East Limited, to remove part-lot control from Lots 56-65 inclusive, "Rymal Estates" plan of subdivision, Registered Plan 62M-679, to allow for the re-alignment of lot lines to increase the lot frontages which would result in an overall reduction of one (1) lot, be approved;
- b) That the attached by-law to remove part-lot control from Lots 56-65 inclusive, "Rymal Estates" plan of subdivision, be enacted by Council;
- c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegates of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and,
- d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.



J. D. Thoms, M.C.I.P.
Commissioner



V. J. Abraham, M.C.I.P.
Director

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, Ralph Frisina, owner, 100 Main Street East Limited, is proposing to remove part-lot control from ten (10) single family lots to allow the re-alignment of the lot lines to increase lot frontages which would result in an overall reduction of one (1) lot.

Location

The lands are located on the west side of Garth Street, north of Rymal Road East in the Falkirk East Neighbourhood (See attached plan).

Comments

Removal of "part-lot control" is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Land Division Committee, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision.

In this case, the applicant is requesting to obtain a removal of part-lot control by-law which would allow the re-alignment of lot lines to increase lot frontages. Part-lot control will be re-established, by by-law, once the conveyances have taken place.

Both the by-law to remove "part-lot control" and the repealing by-law must be registered in the Land Titles office.

The attached by-law to remove "part-lot control" has been prepared in a form satisfactory to the City Solicitor.

GP\Attach.

Mo 679

PLAN OF RYMAL ESTATES

BEING A SUBDIVISION OF
PART OF LOTS 19 AND 20 - CONCESSION 8
IN THE 66066666
TOWNSHIP OF BARTON
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:1000

MACKAY, MACKAY & PETERS LIMITED
1990

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY
0.3048

PLAN 62M-679

I CERTIFY THAT THIS PLAN 62M-679
IS REGISTERED IN THE LAND REGISTRY OFFICE
FOR THE LAND TITLES DIVISION OF HAMILTON
AT 10:08 O'CLOCK ON THE 27TH DAY OF SEPTEMBER 1990
AND ENTERED IN THE REGISTERED BOOK
PARCELS 19-5 SECTION 8(C) 62M-679
AND REQUIRED CONSENTS AND AFFIDAVITS
ARE REGISTERED AS PLAN DOCUMENT
N° 67-695176

THIS PLAN COMPREHENDS ALL OF PARCELS 19-5, SEC. 8(C) 62M-679
TOGETHER WITH GRANT-OF-WAY OVER PART OF LOT 19
CONCESSION 8 DESIGNATED AS PART 3 ON PLAN
62M-10709 AS SET OUT IN 62M-679 AND (AFFRICKS
BLOCK 141)

APPROVED UNDER SECTION 50 OF THE PLANNING
ACT BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTORIZED BY BY-LAW M-189-91

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT
1. LOTS 19-5 BOTH INCLUSIVE, BLOCKS 140 & 141
PART 3 OF PLAN 62M-679, 3000 SQR. SEC. 8(C) 62M-679
BENvenuto CRESCENT, CLAUDETTE GATE, PHILOMENA DRIVE
AND ALFRIN COURT, HAMILTON-WENTWORTH, ONT. L9P 1A1
HAVE BEEN Laid OUT IN ACCORDANCE WITH MY INSTRUCTIONS
2. THE STREETS ARE HEREBY DEDICATED TO THE CORPORATION
OF THE CITY OF HAMILTON AS PUBLIC HIGHWAYS. THE WIDENING
OF HIGHWAY 10709 TO THE ORIGINAL MUNICIPALITY OF
HAMILTON-WENTWORTH AS A PUBLIC HIGHWAY.

DATED THE 27TH DAY OF SEPTEMBER, 1990
100 MAIN STREET EAST
LIMITED
A. J. PETERSON
PRESIDENT
I HAVE THE AUTHORITY TO SIGN THE CORPORATION

LEGEND
MEASUREMENTS ARE ASTRONOMIC AND ARE
REFERRED TO THE NORTHERN LIMIT OF
RYMAL ROAD AND SHOWN ON PLAN 62M-679
HAVING A COURSE OF N77°21'45"W
O. DENOTES A PLANTED MONUMENT
B. DENOTES A ROUND MONUMENT
S. DENOTES A STANDARD BROW BAR
M. DENOTES AN IRON BAR
D. DENOTES A ROUND
W. DENOTES WIDENING
C. DENOTES COMPLETE MONUMENT
P. DENOTES PLAN 62M-10709
UNLESS OTHERWISE SHOWN, ALL PLANTED
MONUMENTS ARE IRON BARS
DISTANCES SHOWN ON CURVES INDICATE
LENGTHS OF ARC

SURVEYOR'S CERTIFICATE
I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE THEREUNDER
2. THE SURVEY WAS COMPLETED ON THE 25TH DAY OF SEPTEMBER, 1990.

HAMILTON ONTARIO
SEPTEMBER 26, 1990
R. A. CLARKE
REGISTERED LAND SURVEYOR

MACKAY, MACKAY & PETERS LIMITED
ONTARIO LAND SURVEYORS
ESTABLISHED 1904

SUITE 806, UNION 243 BUILDING
20 HUGHES ST. 1ST FLOOR
HAMILTON, ONTARIO L8N 2A1
TELEPHONE (416) 526-1471
TELECOMMER (416) 526-0787

DRAWN BY R.M.P. / PARTY CHIEF: J.A.D. / CHECKED BY: P.S.
PROJECT N° 90-1226-1 (H)

| CURVE DATA | | | | | | | | | |
|------------|--------|--------|---------------|--------------|--------|---------------|--------------|--------|---------------|
| LOT | ARC | CHORD | CHORD BEARING | BEARING | CHORD | CHORD BEARING | BEARING | CHORD | CHORD BEARING |
| 1 | 0.843 | 0.838 | N77°21'17"W | N70°50'36"E | 0.843 | N77°21'17"W | N70°50'36"E | 0.843 | N77°21'17"W |
| 2 | 14.818 | 13.976 | N107°08'50"E | N107°08'50"E | 14.818 | N107°08'50"E | N107°08'50"E | 14.818 | N107°08'50"E |
| 3 | 0.975 | 1.325 | N107°08'50"E | N107°08'50"E | 0.975 | N107°08'50"E | N107°08'50"E | 0.975 | N107°08'50"E |
| 4 | 0.636 | 0.436 | N107°08'50"E | N107°08'50"E | 0.636 | N107°08'50"E | N107°08'50"E | 0.636 | N107°08'50"E |
| 7 | 12.876 | 12.808 | N107°08'50"E | N107°08'50"E | 12.876 | N107°08'50"E | N107°08'50"E | 12.876 | N107°08'50"E |
| 8 | 4.404 | 4.403 | N107°08'50"E | N107°08'50"E | 4.404 | N107°08'50"E | N107°08'50"E | 4.404 | N107°08'50"E |
| 10 | 12.876 | 11.988 | N107°08'50"E | N107°08'50"E | 12.876 | N107°08'50"E | N107°08'50"E | 12.876 | N107°08'50"E |
| 11 | 0.975 | 0.779 | N107°08'50"E | N107°08'50"E | 0.975 | N107°08'50"E | N107°08'50"E | 0.975 | N107°08'50"E |
| 21 | 0.271 | 0.271 | N107°08'50"E | N107°08'50"E | 0.271 | N107°08'50"E | N107°08'50"E | 0.271 | N107°08'50"E |
| 24 | 0.271 | 0.271 | N107°08'50"E | N107°08'50"E | 0.271 | N107°08'50"E | N107°08'50"E | 0.271 | N107°08'50"E |
| 34 | 0.177 | 0.176 | N107°08'50"E | N107°08'50"E | 0.177 | N107°08'50"E | N107°08'50"E | 0.177 | N107°08'50"E |
| 35 | 0.866 | 0.816 | N107°08'50"E | N107°08'50"E | 0.866 | N107°08'50"E | N107°08'50"E | 0.866 | N107°08'50"E |
| 36 | 0.63 | 0.63 | N107°08'50"E | N107°08'50"E | 0.63 | N107°08'50"E | N107°08'50"E | 0.63 | N107°08'50"E |
| 72B | 0.846 | 1.347 | N107°08'50"E | N107°08'50"E | 0.846 | N107°08'50"E | N107°08'50"E | 0.846 | N107°08'50"E |
| 73 | 0.846 | 0.247 | N107°08'50"E | N107°08'50"E | 0.846 | N107°08'50"E | N107°08'50"E | 0.846 | N107°08'50"E |
| BLOCK | | | | | | | | | |
| 140 | 12.778 | 10.278 | N107°08'50"E | N107°08'50"E | 12.778 | N107°08'50"E | N107°08'50"E | 12.778 | N107°08'50"E |
| 141 | 1.647 | 0.888 | N107°08'50"E | N107°08'50"E | 1.647 | N107°08'50"E | N107°08'50"E | 1.647 | N107°08'50"E |
| 142 | 2.846 | 2.363 | N107°08'50"E | N107°08'50"E | 2.846 | N107°08'50"E | N107°08'50"E | 2.846 | N107°08'50"E |
| 143 | 12.621 | 11.713 | N107°08'50"E | N107°08'50"E | 12.621 | N107°08'50"E | N107°08'50"E | 12.621 | N107°08'50"E |
| 144 | 0.263 | 0.263 | N107°08'50"E | N107°08'50"E | 0.263 | N107°08'50"E | N107°08'50"E | 0.263 | N107°08'50"E |
| 145 | 13.088 | 10.263 | N107°08'50"E | N107°08'50"E | 13.088 | N107°08'50"E | N107°08'50"E | 13.088 | N107°08'50"E |
| 146 | 0.001 | 0.001 | N107°08'50"E | N107°08'50"E | 0.001 | N107°08'50"E | N107°08'50"E | 0.001 | N107°08'50"E |
| 147 | 13.570 | 12.621 | N107°08'50"E | N107°08'50"E | 13.570 | N107°08'50"E | N107°08'50"E | 13.570 | N107°08'50"E |
| 148 | 0.170 | 0.240 | N107°08'50"E | N107°08'50"E | 0.170 | N107°08'50"E | N107°08'50"E | 0.170 | N107°08'50"E |
| 149 | 0.370 | 0.340 | N107°08'50"E | N107°08'50"E | 0.370 | N107°08'50"E | N107°08'50"E | 0.370 | N107°08'50"E |

SKETCH
SHOWING PROPOSED LOT REDIVISION



MacKAY, MacKAY & PETERS LIMITED - 1993

NOTE:

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE
USED FOR TRANSACTION OR MORTGAGE PURPOSES.

OVERALL PARCEL DIMENSIONS ARE AS SHOWN ON REGISTERED PLAN
62M-678. PROPOSED DIMENSIONS HAVE NOT BEEN VERIFIED BY SURVEY.

"METRIC" DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

REGISTERED PLAN 62M-678

SPADARA DRIVE

| LOT 66 | LOT 67 | LOT 68 | LOT 69 | LOT 70 | LOT 71 | LOT 72 | LOT 73 | LOT 74 | LOT 75 | LOT 76 | LOT 77 | LOT 78 |
|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| 13.000 | 12.082 | 12.092 | 12.082 | 12.082 | 12.092 | 12.082 | 12.082 | 12.082 | 12.082 | 12.092 | | |
| 13.536 | 13.536 | 13.536 | 13.536 | 13.536 | 13.536 | 13.536 | 13.536 | 13.536 | 13.536 | 13.536 | | |
| LOT 65 | LOT 64 | LOT 63 | LOT 62 | LOT 61 | LOT 60 | LOT 59 | LOT 58 | LOT 57 | LOT 56 | LOT 55 | LOT 54 | LOT 53 |
| 30.000 | 30.000 | 30.000 | 30.000 | 30.000 | 30.000 | 30.000 | 30.000 | 30.000 | 30.000 | 30.000 | | |
| 13.536 | 13.536 | 13.536 | 13.536 | 13.536 | 13.536 | 13.536 | 13.536 | 13.536 | 13.536 | 13.536 | | |

N 72° 18' 00" W

CLAUDETTE GATE

NOVEMBER 17, 1993
DATE

© 1993 MacKAY, MacKAY & PETERS LIMITED

DWG DATE: 18 NOV 1993 8:47AM DWG FILE: D:\PROJ\27\10\272638.DWG

MACKAY
MACKAY

ONTARIO LAND SURVEYORS ESTABLISHED 1906
REGISTERED PROFESSIONAL LAND SURVEYORS

WARRANTY OF
TITLE

The Corporation of the City of Hamilton

BY-LAW NO. 94-

**To Remove
Land within the Rymal Estates Subdivision, Plan 62M-679
from Part Lot Control**

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

Lots 56-65 inclusive, within Registered Plan Number 62M-679, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED

this day of

A.D. 1994.

CITY CLERK

MAYOR

This Bylaw is approved pursuant to section 50(7), the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1994.

Ea)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: March 14, 1994

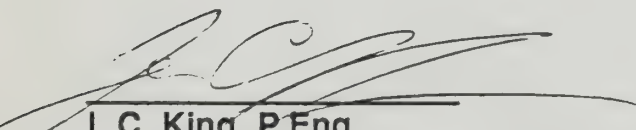
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: COMMERCIAL LOAN PROGRAMME INCREASE
1031 KING STREET WEST, HAMILTON (94.2.4.2.1.A)

RECOMMENDATION:

That a loan increase of \$3,717 be approved for 1018067 Ontario Ltd., 1031 King Street West, under the Commercial Loan Programme. The total loan is now \$16,727.



L.C. King, P.Eng.
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

City Council at their meeting held December 14, 1993 approved a loan application under the subject programme in the amount of \$13,010. Since that time, it has been determined that additional work was necessary in order to correct the roofing problems. The Building Department, Loans Division, therefore recommends increasing the owner's application to a maximum loan of \$16,727. The loan is to be amortized over 10 years at 2 3/4 per cent interest with a monthly payment of \$159.62. This represents an increase of \$3,717.

c.c. R. Camani, Treasury Department

Eb)i)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: March 14, 1994


REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: COMMERCIAL LOAN PROGRAMME
1023 KING STREET WEST (94.2.4.2.1.A)

RECOMMENDATION:

That a Commercial Loan in the amount of seventeen thousand and forty-two dollars (\$17,042) be approved for John and Helen Mouskos. The interest rate will be 2 3/4 per cent amortized over 10 years.



L.C.KING, P.Eng
LCK/JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The owner of 1023 King Street West has applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Westdale Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to John and Helen Mouskos for improvements to 1023 King Street West in the amount of \$17,042. The loan will be amortized over a 10 year period at 2 3/4 per cent interest. The monthly payments will be \$162.62 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

EB)ii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: March 14, 1994

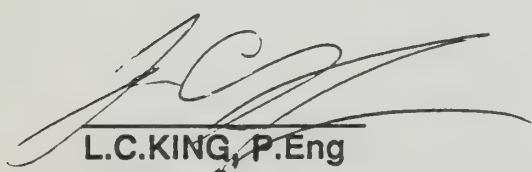
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

SUBJECT: COMMERCIAL LOAN PROGRAMME
294 OTTAWA STREET NORTH (94.2.4.2.1.A)

RECOMMENDATION:

That a Commercial Loan in the amount of four thousand and eighteen (\$4,018) be approved for Baba Tooma. The interest rate will be 2 3/4 per cent amortized over 10 years.



L.C.KING, P.Eng
LCK/JHA/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The owner of 294 Ottawa Street North has applied for assistance under the City of Hamilton's Commercial Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

Tina Agnello, Secretary
Planning and Development Committee

- 2 -

March 14, 1994

The Ottawa Street Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to Baba Tooma for improvements to 294 Ottawa Street North in the amount of \$4,018. The loan will be amortized over a 10 year period at 2 3/4 per cent interest. The monthly payments will be \$38.34 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

EC)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: March 2, 1994

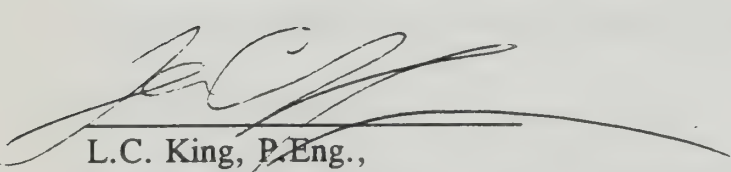
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P.Eng.,
Building Commissioner

SUBJECT: 1994 Annual Conference of the Ontario Association of
Committees of Adjustment

RECOMMENDATION:

That the Chairman of the Committee of the Committee of Adjustment, or his nominee, and one other member, be authorized to attend the 1994 Annual Conference of the Ontario Association of Committees of Adjustment and Consent Authorities to be held for three days, June 5 to June 8, 1994, in Kingston, Ontario, at an expense not exceeding \$900 each (\$1,800 total expenditure) to be charged to Account No. CH55201-10010, Legislative Travelling.



L.C. King, P.Eng.,
LCK/PF/ggf

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The above-noted Conference is an educational conference of mutual benefit to all members across the province. The 1993 conference was not attended.

Edi)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: March 9, 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
775 WEST 5th STREET
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for
775 WEST 5th STREET.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "AA" Agriculture

PRESENT USE: Single Family Dwelling

PROPOSED USE: Freeway

BRIEF DESCRIPTION: One storey brick veneer house

The owner requests permission to demolish the house as the property is required for the freeway. No LACAC interest.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

Ed)ii

CITY OF HAMILTON

- RECOMMENDATION -

DATE: March 9, 1994

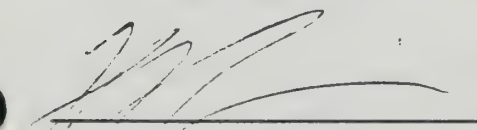
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
42 LIMERIDGE ROAD EAST
(94.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for
42 LIMERIDGE ROAD EAST.



L.C. King, P. Eng.

LCK/EB/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" Residential

PRESENT USE: Single Family Dwelling

PROPOSED USE: Freeway

BRIEF DESCRIPTION: 1 storey wood frame house and separate garage

The owner request to demolish the house as the property is required for the freeway. No LACAC interest.

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

E e)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: March 10, 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

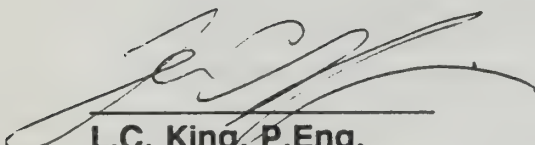
FROM: L.C. King, P.Eng.
Building Commissioner

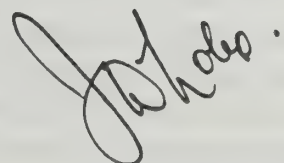
D. Lobo
Director of Public Works

SUBJECT: **BARTON STREET REVITALIZATION**
MUNICIPAL DEVELOPMENT CORPORATION (BI-93-04, 94.2.4.2.1.A)

RECOMMENDATION:

That the Building and Public Works Departments assume the lead role in the investigation and creation of a Municipal Development Corporation for the implementation of the Barton Street Development Program and that the appropriate provincial ministries be so advised.



L.C. King, P.Eng.
LCK/DL/JR/dm

D. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Social Planning and Research Council has made an application for start-up funds for the formation of a Municipal Development Corporation. This Development Corporation is an integral part of the Barton Street Revitalization project, particularly in regard to the commercial components. Although the initial application was made by the Social Planning and Research Council, it is obvious that because of the potential financial and administrative responsibilities for the City, it is important that the municipality be directly involved in the set-up of the Corporation.

It is proposed that the lead departments should be Public Works and Building as they are presently responsible for the B.I.A.'s and Streetscape improvements as well as all the loan and grant programs available to residential and commercial owners in the City. In addition, both Departments have extensive experience in dealing with the various provincial ministries responsible for implementation of housing and community improvement programs. The two Departments have also demonstrated their ability to work together and have accumulated the necessary expertise within the community to successfully implement the project.

It should also be noted that the Social Planning and Research Council have recommended that responsibility for formation as well as implementation of any action by a Development Corporation should rest within the municipality.

It is proposed, however, that the expertise of both the Social Planning and Research Council as well as the Region's Economic and Development Department should be utilized. For that reason, it is recommended that they be members of the Committee investigating the feasibility of establishing a Municipal Development Corporation. A full report, including recommendations, will be prepared for the Planning and Development Committee and City Council once the necessary research has been completed.

EF)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: March 9, 1994

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. L. King
Building Commissioner

SUBJECT: Demolition Permit for One and Two Family Dwellings
(94.2.4.2.1.A and BI-94-03)

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for one and two family dwellings prior to the approval of the Planning and Development Committee and City Council.

1. Where a building permit for constructing a residential building is ready to be issued pending the existing house being demolished.
2. Where the dwelling is owned by the City or Region and is required for City or Regional purposes i.e. Freeway or road allowance, etc.
3. Where the dwelling is located within a commercial district and the owner has obtained site plan approval for a new commercial building.
4. Where the dwelling is located in an industrial district and the owner has obtained site plan approval for a new industrial building.


Len C. King, P. Eng.

LCK/WKW/zr

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

City Council passed Demolition Control By-Law #74-290 in 1974 pursuant to the Ontario Planning Act. As a result, no residential property in the City of Hamilton can be demolished until a demolition permit has been issued by City Council.

Demolition permits are currently issued within 3 to 4 weeks of initial application. During the summer months, when City Council meets less frequently, issuance of demolition permits may take longer.

Although the Demolition Control By-Law appears to give Council comprehensive control of the demolition of residential buildings, in reality there are limitations as set out in The Planning Act.

Under Section 33(6) of the current Planning Act, where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished, City Council must issue a demolition permit if an application for demolition is made. This Section has been interpreted by the courts to mean that if a building permit has been applied for and is ready to be issued however it cannot be issued until an existing house on the property has been demolished, City Council must issue a demolition permit in order to accommodate the new construction.

Under Section 33(4) of the current Planning Act, the applicant may appeal to the Ontario Municipal Board if the Council refuses to issue a demolition permit or neglects to make a decision within 30 days of initial application.

In addition, if an application for a building permit meets the requirements set out in Section 8(2) of The Building Code Act the Chief Building Official must issue a building permit.

With the emphasis our Department has placed on improving our service to the public we have been actively pursuing ways to streamline permit issuance. We feel that 3 to 4 weeks to issue simple demolition permits is too long. If the Committee approves the recommendations set out in this report, we can reduce the turn-around time for simple demolitions permits as defined in this report. to one where the applicant provides the required information.

F.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1994 March 17

REPORT TO: Alderman D. Drury, Chairperson
and Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Commissioner of Planning and Development: Approved Site Plan Control Applications Dated 1994 February 7.
- (b) Commissioner of Planning and Development: Results of Barton Street Pedestrian Shopping Survey Dated 1994 February 21.
- (c) Commissioner of Planning and Development: Approved Site Plan Control Applications Dated 1994 March 15.
- (d) Carolyn A. Biggs, Regional Clerk's Office: Transportation Services Committee Report 5-94 Dated 1994 March 15.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

Attach.
TA/jt

HAMILTON PUBLIC LIBRARY



3 2022 21334497 7